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I N D E X

WITNESS	DIRECT	CROSS	REDIRECT	RECROSS
KENNETH HUMPHREYS				
By Mr. Barry	603			
By Mr. McNamara		605		
MAGDI RAGHEB			654	
By Judge Albers		609		
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DONELL MURPHY				
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By Mr. McNamara		740		
By Ms. Harmon		761		
By Mr. Robertson		780		
By Mr. Adam Ragheb		785		
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By Mr. Gower		873		
By Judge Albers	927			
By Mr Whitt			931	
By Mr. McNamara		940		
By Mr. Moran				941

	EXHIBITS	IDENTIFIED	ADMITTED
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5	1.7		
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9	Korsmeyer Exhibits 1.0, 1.1, 2.0	e-Docket	602
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11	Ragheb Family Exhibits 1.0R, 1.1	e-docket	662
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12	1.10 & 2.0		
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PROCEEDINGS

JUDGE ALBERS: By the authority vested in me by the Illinois Commerce Commission, I now call Docket No. 12-0598. This docket was initiated by Ameren Transmission Company of Illinois and concerns a petition for a certificate of public convenience and necessity pursuant to Section 8-406.1 of the Public Utilities Act.

As the practice is, please send your appearances to the court reporter. If you're on the bridge, please identify yourself when speaking and not have any side conversations and be sure to identify -- I'm sorry.

One other preliminary matter I have is STPL I expect to be filing a reply to Ameren's response although I do not see Mr. Gower in the room so we will ask him about that later.

Before we get to our first witnesses on the stand, I understand there are a few of you that would like to move a few exhibits in over the phone. Ms. Broach, I think you are one of those.

MS. BROACH: Yes. Good morning. This is Emily

1 Broach (B-r-o-a-c-h) for Gan Properties, LLC.

2 I'd like to move the amended direct  
3 testimony of Kenneth L. Skolnik and accompanying  
4 Exhibits 1.1 through 1.7 which were filed on e-Docket  
5 on May 10, 2013 into evidence.

6 JUDGE ALBERS: Any objections then to Gan  
7 Properties Exhibits 1.0 through 1.7?

8 MR. STURTEVANT: Your Honor, we've stipulated  
9 to the admission of a data response in lieu of  
10 cross-examination, so subject to that, which I've  
11 marked and can hand out as ATXI's Cross Exhibit 3,  
12 subject to that, we'd have no objection to the  
13 admission of the testimony.

14 JUDGE ALBERS: All right.

15 (Whereupon ATXI's Cross Exhibit  
16 3 was marked for identification  
17 as of this date.)

18 MR. McMILLAN: Good morning. This is John  
19 McMillan.

20 JUDGE ALBERS: Good morning.

21 Hearing no objection to Gan Properties  
22 exhibits, they're admitted.

1 (Whereupon Gan Properties  
2 Exhibits 1.0 through 1.7 were  
3 admitted into evidence at this  
4 time.)

5 JUDGE ALBERS: Any objection to Ameren Cross  
6 Exhibit 3?

7 MS. BROACH: No, Your Honor.

8 JUDGE ALBERS: Hearing none, then Cross  
9 Exhibit 3 is also admitted.

10 (Whereupon Ameren Cross Exhibit  
11 3 was admitted into evidence at  
12 this time.)

13 JUDGE ALBERS: Anything further from Gan  
14 Properties?

15 MS. BROACH: No. Thank you, Your Honor.

16 JUDGE ALBERS: Who else would like to take care  
17 of any exhibits if there is no cross?

18 MR. McNAMARA: I have exhibits. I can do it  
19 later; whatever works.

20 JUDGE ALBERS: Okay. Is there anyone else on  
21 the phone right now?

22 All right. I guess go ahead,

1 Mr. McNamara.

2 MR. McNAMARA: First, Judge, I would like to  
3 move for the admission of intervenors CSLPG Exhibit  
4 1, 1.1, 4.0, and 5.0 pursuant to an affidavit of  
5 Deborah Klein filed 5-15-2003.

6 Next I'd like to move for the  
7 admission of CSLPG Exhibits 2 and 6 pursuant to the  
8 affidavit of John F. Boland signed and filed  
9 5-15-2013.

10 Next I'd like to move for the  
11 admission of intervenor CSLPG Exhibit 3.0, the  
12 testimony of Carl Bitler, pursuant to an affidavit of  
13 Mr. Bitler filed as Exhibit No. 7 on 5-15-2013.

14 These are all part of the Colfax-Scott  
15 Land Preservation Group.

16 JUDGE ALBERS: Any objection to any of those  
17 exhibits?

18 MR. STURTEVANT: Again, Your Honor, we have a  
19 stipulated cross exhibit in lieu of, or a stipulated  
20 data response in lieu of cross which I've marked as  
21 ATXI Cross Exhibit 4.

22

1 (Whereupon ATXI Cross Exhibit 4  
2 was marked for identification as  
3 of this date.)

4 MR. McNAMARA: Pursuant to the agreement with  
5 counsel, I have no objection to it being admitted  
6 into evidence.

7 JUDGE ALBERS: Hearing no objection, then ATXI  
8 Cross Exhibit 4 is admitted.

9 (Whereupon ATXI Cross Exhibit 4  
10 was admitted into evidence at  
11 this time.)

12 MR. McNAMARA: Next, Judge, with regard to  
13 Morgan, Sangamon and Scott County...

14 JUDGE ALBERS: Let me take care of the  
15 actual -- I didn't admit the witness's testimony.

16 Any objection then to the testimonies  
17 of Klein, Boland and Bitler?

18 Hearing none, then CSLPG Exhibits 1.0,  
19 1.1, 4.0 and 5 are admitted on behalf of Mr. Klein.  
20 Mr. Boland's Exhibits 2.0 and 6.0 are admitted; and  
21 Mr. Bitler's Exhibit 3.0 and 7.0 are admitted.

22

1 (Whereupon CSLPG Exhibits 1.0,  
2 1.1, 4.0, 5, 2.0, 6.0, 3.0 & 7.0  
3 were admitted into evidence at  
4 this time.)

5 MR. McNAMARA: Next, with regard to Morgan,  
6 Sangamon and Scott Counties Land Preservation Group,  
7 I would move for the admission of intervenors MSSCLPG  
8 Exhibit No. 2, testimony of Steve Rhea, and  
9 intervenors exhibit MSSCLPG Exhibit 5, the affidavit  
10 of Steve Rhea, filed in this docket on 5-14-2013.

11 JUDGE ALBERS: I'm sorry. The affidavit was  
12 Exhibit 5?

13 MR. McNAMARA: Yes, sir.

14 JUDGE ALBERS: Okay. Thank you.

15 Any objection to those?

16 MR. STURTEVANT: No, Your Honor.

17 MR. McNAMARA: I believe that's all of the  
18 exhibits for Morgan, Sangamon and Scott Counties Land  
19 Preservation Group.

20 Next on behalf of Korsmeyer Family  
21 Farm Trust...

22 JUDGE ALBERS: Wait for the magic words.

1 MR. McNAMARA: Pardon?

2 JUDGE ALBERS: Wait for the magic words.

3 MR. McNAMARA: I'm sorry.

4 JUDGE ALBERS: Hearing no objection, then  
5 MSSCLPG Exhibits 2.0 and 5.0 are admitted.

6 (Whereupon MSSCLPG Exhibits 2.0  
7 and 5.0 were admitted into  
8 evidence at this time.)

9 MR. McNAMARA: Next, with regard to Korsmeyer  
10 Family Farm Trust, I'm moving for the admission of  
11 intervenor Korsmeyer Exhibit 1.0, 1.1, 2.0 and  
12 intervenor Korsmeyer Exhibit 3.0, the affidavit of  
13 Gerald Korsmeyer filed on this docket on 5-15-2013.

14 MR. STURTEVANT: Your Honor, we have again a  
15 stipulated DR in lieu of cross for Mr. Korsmeyer as  
16 well.

17 MR. McNAMARA: And this would be ATXI's Cross  
18 Exhibit 5, correct?

19 MR. STURTEVANT: Correct.

20 (Whereupon ATXI's Cross Exhibit  
21 5 was marked for identification  
22 as of this date.)

1 MR. McNAMARA: I have no objection to it.

2 JUDGE ALBERS: Any other objection?

3 Hearing none, ATXI Cross Exhibit 5 is  
4 admitted.

5 (Whereupon ATXI Cross Exhibit 5  
6 was admitted into evidence at  
7 this time.)

8 JUDGE ALBERS: Any objection to Korsmeyer  
9 Exhibits 1.0, 1.1, 2.0 and 3.0?

10 Hearing none, they are admitted.

11 (Whereupon Korsmeyer Exhibits  
12 1.0, 1.1, 2.0 & 3.0 were  
13 admitted into evidence at this  
14 time.)

15 MR. McNAMARA: Thank you.

16 Judge, FutureGen is here.

17 JUDGE ALBERS: All right. If FutureGen would  
18 like to call its witness.

19 I'm going to go ahead and swear  
20 everyone that's testifying today at the same time.

21 Mr. Humphreys and anyone else  
22 testifying today, would you please stand and raise



1       your right hand?

2                               (Whereupon the witnesses were  
3                               sworn by Judge Albers.)

4               JUDGE ALBERS:   Thank you.

5               MR. BARRY:   Good morning, Your Honors.   My name  
6       is Kyle Barry, Husch Blackwell LLP.   I'm an attorney  
7       for FutureGen Industrial Alliance, Inc., and I'll be  
8       presenting...

9               MR. BRADY:   Your Honor, we can't hear the  
10      attorney.   I don't think his mike is on.

11              MR. BARRY:   The witness this morning is  
12      Mr. Kenneth Humphreys.   He's CEO for FutureGen  
13      Alliance.

14                           KENNETH K. HUMPHREYS, JR.  
15      called as a witness herein, on behalf of FutureGen  
16      Alliance, having been first duly sworn on his oath,  
17      was examined and testified as follows:

18                           DIRECT EXAMINATION

19      BY MR. BARRY:

20              Q.    Mr. Humphreys, can you please state your  
21      name for the record?

22              A.    Kenneth K. Humphreys, Jr.

1 Q. And again, what's your position?

2 A. Chief executive officer of FutureGen  
3 Industrial Alliance.

4 Q. And in front of you, Mr. Humphreys, I've  
5 presented FutureGen Alliance's Exhibit 1.

6 Are you familiar with that document?

7 A. I am.

8 Q. And is that document the direct testimony  
9 that the Alliance submitted on March 29, 2013 in this  
10 docket?

11 A. It is.

12 Q. And does it include an Exhibit A which is a  
13 diagram as well as an Exhibit B that is a  
14 stipulation?

15 A. It does.

16 Q. Are you familiar with the contents of  
17 Exhibit 1?

18 A. Yes, I am.

19 Q. Are the contents of Exhibit 1 true and  
20 correct to the best of your knowledge, information  
21 and belief?

22 A. They are.

1           Q.    If I were to ask you the same question  
2           today, would your answer be the same?

3           A.    Yes, it would.

4           MR. BARRY:  I have no further questions.

5                        I guess I should first move to enter  
6           FutureGen Alliance's Exhibit 1 into the record.

7           JUDGE ALBERS:  All right.

8           MR. McNAMARA:  Judge, I have a cross-examine  
9           exhibit that I would like to have Mr. Humphreys look  
10          at before the evidence is admitted.

11          JUDGE ALBERS:  Go ahead.

12                       (Whereupon MSSCLPG Cross Exhibit  
13                       1 was marked for identification  
14                       as of this date.)

15                       CROSS-EXAMINATION

16          BY MR. McNAMARA:

17               Q.    Mr. Humphreys, I've handed you what's been  
18               marked MSSCLPG Cross Exhibit No. 1.

19                       Are you familiar with the terms and  
20               conditions of that cross exhibit?

21           A.    Yes, I am.

22           Q.    And is that an answer to a data request

1       that was propounded to you yesterday and answered  
2       yesterday?

3             A.     That is correct.

4             Q.     And that answer is true and correct?

5             A.     It is indeed true and correct.

6             MR. McNAMARA:   Thank you.

7             MR. BARRY:   I guess at this time I would move  
8       that FutureGen Alliance Exhibit 1 be admitted into  
9       evidence.

10            MR. McNAMARA:   Judge, I'd have no objection  
11       assuming that Cross Exhibit 1 will likewise be  
12       admitted.

13            JUDGE ALBERS:   Any objection then to Cross  
14       Exhibit 1?

15                       Hearing none, then MSSCLPG Cross  
16       Exhibit 1 is admitted.

17                               (Whereupon MSSCLPG Cross Exhibit  
18                               1 was admitted into evidence at  
19                               this time.)

20            MR. McNAMARA:   Thank you.

21            JUDGE ALBERS:   And any objection to FutureGen  
22       Exhibit 1 with Exhibits A and B attached?

1                   MR. McNAMARA: No, sir.

2                   JUDGE ALBERS: Hearing none, then that exhibit

3                   is admitted.

4                                   (Whereupon FutureGen Alliance's

5                                   Exhibit 1 was admitted into

6                                   evidence at this time.)

7                   MR. BARRY: Your Honors have any questions for

8                   the witness?

9                   JUDGE ALBERS: No.

10                                   Thank you, Mr. Humphreys.

11                                   (Witness excused.)

12                   JUDGE ALBERS: And I believe next on our list

13                   we have Dr. Magdi?

14                   DR. RAGHEB: Ragheb, Magdi Ragheb.

15                   JUDGE ALBERS: Please take the stand.

16                                   You were sworn earlier, correct?

17                   DR. RAGHEB: Yes, sir.

18                   JUDGE ALBERS: I'm sorry. Is Magdi your first

19                   name or last name?

20                   DR. RAGHEB: Magdi first name; Ragheb last

21                   name.

22                   JUDGE ALBERS: I apologize. I looked at the

1 sheet wrong.

2 DR. RAGHEB: That's all right.

3 MR. ADAM RAGHEB: Since I'm not a lawyer, could  
4 you please help us with entering of the testimony  
5 into the record?

6 JUDGE ALBERS: Yes, I can do that.

7 MR. ADAM RAGHEB: And when we sent our e-mail  
8 on Monday with our exhibit list, I omitted the  
9 rebuttal testimony from that list which is Ragheb  
10 Family Exhibit 2.0 which was filed on e-Docket on  
11 April 12, 2013, and I can happily add that and resend  
12 that e-mail.

13 JUDGE YODER: You don't need to do that, but  
14 just repeat the date of the testimony.

15 MR. ADAM RAGHEB: April 12th.

16 It's just three pages.

17 JUDGE YODER: No exhibits for the rebuttal?

18 MR. ADAM RAGHEB: For 2.0, no.

19 JUDGE YODER: Thank you.

20 JUDGE ALBERS: All right then. Dr.Ragheb, are  
21 you ready?

22 DR. RAGHEB: I think I am.

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MAGDI RAGHEB

called as a witness herein, on behalf of Ragheb  
Family Farm, having been first duly sworn on his  
oath, was examined and testified as follows:

EXAMINATION

BY JUDGE ALBERS:

Q. Dr. Ragheb, are you the individual that  
previously submitted testimony in this matter marked  
as Ragheb Family Exhibit 1.0 and which was later  
revised so it's 1.0R?

A. Yes, sir.

Q. And attached to that were Exhibits 1.1  
through and including 1.8, but I see that 1.8 has  
subparts, so it's 1.8.1 through and including 1.8.6,  
is that correct?

A. Yes, correct.

Q. And there was an additional exhibit  
attached to your direct testimony identified as  
Exhibit 1.9, is that correct?

A. Correct, sir.

Q. And you also submitted rebuttal testimony  
in this matter marked as Ragheb Family Exhibit 2.0,

1 correct?

2 A. Yes.

3 Q. And do you have any corrections or changes  
4 to make to any of that testimony?

5 A. If the court would be kind enough, I would  
6 like to present my biodata since I am being brought  
7 as a witness on the stand. That hasn't been  
8 presented earlier.

9 Q. Professional background, is that what  
10 you're referring to?

11 A. Yes.

12 JUDGE ALBERS: Any objection?

13 MR. WHITT: For the record, I'm Mark Whitt, one  
14 of the attorneys for ATXI.

15 I don't know that I necessarily have  
16 an objection, Your Honor, but I do believe the direct  
17 testimony references the doctor's educational  
18 credentials, professorship at University of Illinois,  
19 and so forth.

20 JUDGE ALBERS: I thought I remembered seeing  
21 that in there but I wasn't sure.

22 THE WITNESS: I had requested it in the data I



1 request, and we referred it to my website, so there  
2 is no really documentation, so I'd rather have it  
3 included if possible.

4 JUDGE ALBERS: What kind of documentation is  
5 it?

6 THE WITNESS: It's my biodata.

7 JUDGE ALBERS: Do you mind if I see it then?  
8 Is it multiple copies of the same thing?

9 THE WITNESS: I have five copies.

10 JUDGE ALBERS: Okay. So it's not all one  
11 document.

12 Please pass them around.

13 Is there any objection then to doing  
14 this?

15 MR. WHITT: Give us just a moment. I don't  
16 think we have an issue.

17 JUDGE ALBERS: Just so the record is clear,  
18 we'll label it as Exhibit 1.10.

19 (Whereupon Ragheb Exhibit 1.10  
20 was marked for identification as  
21 of this date.)

22 MS. BOJKO: Kim Bojko on behalf of MISO.

1                   Your Honor, it appears that it goes  
2       beyond just biological information. It attaches  
3       reports, a paper, it appears university type  
4       documentation/certificates.

5                   It was my understanding that he was  
6       not presenting this testimony today in the capacity  
7       of a university professor.

8                   JUDGE ALBERS: Just so we're all clear, which  
9       particular documents or parts are you concerned with?

10                  MS. BOJKO: If you look after kind of what I  
11       would call curriculum vitae, it has college faculty  
12       awards and a picture, and then after all of those, it  
13       has an Intech report, paper, not by Dr. Ragheb.

14                  JUDGE ALBERS: I guess so we're clear then,  
15       what is the Intech report?

16                  THE WITNESS: It establishes my credentials in  
17       terms of my expertise in wind power generation. One  
18       of the reports refers to one of my papers having been  
19       downloaded 13,000 times on the Internet.

20                  The intended purpose as stated by ATXI  
21       for the project is, of course, renewable wind energy  
22       generation, so I would like it to be considered as my

1 testimony here as a matter of public interest. It  
2 relates to what I have been doing as teaching wind  
3 power generation.

4 JUDGE ALBERS: Judge Yoder and I are in  
5 agreement. I think this Intech report at least kind  
6 of goes beyond your biodata.

7 THE WITNESS: If you would like to remove it, I  
8 don't mind it; sure, no problem. It's listed as a  
9 reference, the paper itself is listed as a reference  
10 in my biodata.

11 JUDGE ALBERS: Is there any objection if we  
12 remove that Intech report from the end?

13 MS. BOJKO: No, Your Honor.

14 MR. WHITT: No, Your Honor.

15 MS. BOJKO: I'm sorry. Your Honor, what did we  
16 mark this as?

17 JUDGE ALBERS: 1.10.

18 All right. So with the removal of the  
19 Intech report from Exhibit 1.10, is there any  
20 objection to it being offered or used today?

21 MS. BOJKO: No objection.

22 JUDGE ALBERS: All right. Do you have any

1 other changes or corrections to any of your previous  
2 submitted testimony and exhibits?

3 THE WITNESS: No, sir.

4 JUDGE ALBERS: All right. Well, we'll address  
5 the admissibility following the cross-examination.

6 Who would like to go first?

7 MS. BOJKO: I believe that would be me, Your  
8 Honor.

9 JUDGE ALBERS: Okay. Ms. Bojko, go right  
10 ahead.

11 MS. BOJKO: Good morning, Dr. Ragheb.

12 THE WITNESS: Good morning.

13 CROSS-EXAMINATION

14 BY MS. BOJKO:

15 Q. You've stated in your testimony that you  
16 own a plot of land along ATXI's alternate route  
17 between Rising and Sidney which is the cause or the  
18 reason for your participation in this case, is that  
19 correct.

20 A. That is correct.

21 Q. And so your interest in this case is that  
22 of a landowner, is that right?

1           A.     Initially I was, yes. I came into the case  
2           as a landowner but, of course, I'm on the stand here  
3           now as a matter of public interest.

4           Q.     But as we mentioned earlier, you're not  
5           here in your capacity as a university professor?

6           A.     I did specify my name as a family, Ragheb  
7           family. I did specify Dr. Ragheb. I did not state  
8           Professor Ragheb. However, the question in the  
9           rebuttal by three gentlemen here are referring to my  
10          capacity in terms of assessing really the merits of  
11          some aspects of the project that are related to wind  
12          power generation and power in general in which I am  
13          an expert.

14          Q.     I understand, but you're not here today as  
15          a professor, in your capacity as a professor  
16          supported by the university?

17          A.     I do not represent University of Illinois  
18          at that point, yes. I represent myself.

19          Q.     And you're also not a transmission planner  
20          or designer and you haven't been hired to be a  
21          consultant as such?

22          A.     I haven't been hired to be a consultant as

1       such.

2               Q.     And on page 4 of your testimony, I think  
3     you get into your description of your background and  
4     your wind experience that you just discussed with us.

5                       Is it fair to say that with this  
6     expansive background that you are supportive of wind  
7     projects and renewable energy?

8               A.     There is no doubt that I am supporting of  
9     renewables as well as non-carbon sources of energy in  
10    general, and I considered that as basically the new  
11    industrial revolution that we call the carbon-free  
12    age.

13              Q.     And on page --

14              MR. BRADY:   Excuse me, Your Honor.   Could we  
15     ask Dr. Ragheb to move closer to the mike so we can  
16     hear him a little bit better?

17                       This is Sean Brady with Wind on the  
18     Wires.

19              Q.     BY MS. BOJKO:   Dr. Ragheb, on page 6, line  
20     111, you specifically state your support for the  
21     development of the renewables in the Midwest, is that  
22     correct?

1           A.    That is perfectly correct.

2           Q.    And you've joined with two other landowners  
3   to submit an alternative route in this case; is that  
4   accurate?

5           A.    That is correct.

6           Q.    And if that alternate route or another one  
7   that avoids your property is selected, you would not  
8   oppose the construction of the transmission line to  
9   bring renewables to the Midwest, is that correct?

10          A.    That is correct.

11          Q.    And are you familiar, sir, with MISO,  
12   Mid-Continent Independent System Operator?

13          A.    I have written in my lecture notes about  
14   MISO, correct.

15          Q.    So you're familiar with MISO's role as the  
16   regional transmission operator and reliability  
17   coordinator which provides reliability and market  
18   services to over 49,600 miles of transmission in 11  
19   states and one Canadian province?

20          A.    I understand that MISO has a very large  
21   footprint, and it's, of course, one of the major  
22   transmission operators, and I think it has a very

1       important task in organizing the really complex and  
2       really most important machine ever devised by man  
3       which is the North American power grid.

4           Q.     And as you've stated, MISO is responsible  
5       then, it's your understanding, for the operational  
6       oversight and control as well as market operations  
7       and planning of any transmission expansion by the  
8       transmission owners in its footprint?

9           A.     I understand that inasmuch as, of course,  
10       MISO is owned by the utility itself, so that should  
11       be taken into perspective here.

12          Q.     And do you understand the process that MISO  
13       undergoes to develop a transmission expansion plant?

14          A.     That has come to my attention.  Initially  
15       when I joined the hearing, I had only access to the  
16       ATXI information.  MISO has come in later in the  
17       meeting, so that has come to my knowledge later into  
18       the hearings.

19          Q.     So am I to understand that you have  
20       reviewed MISO witness Mr. Webb's both direct  
21       testimony as well as his rebuttal testimony?

22          A.     Yes.  I reviewed his testimony but not the



1       other projects, the first two. In that timeframe, I  
2       haven't been able to review all the project that he's  
3       referring to, but in terms of ATXI submission,  
4       definitely I have read that.

5           Q.     And I'm sorry. Just so the record is clear  
6       because I think that we were both talking  
7       simultaneously, you have reviewed Mr. Webb's both  
8       direct testimony as well as his rebuttal testimony?

9           A.     Yes.

10          Q.     And through that review, do you know that  
11       the process that MISO went through included the  
12       Illinois River project, and this was a multi-year  
13       planning process that addressed regional transmission  
14       plans necessary to both meet the renewable portfolio  
15       standard mandates that you've discussed this morning  
16       as well as reliability concerns on the grid?

17          A.     That is true, but by the admission of  
18       Mr. Webb himself, the timeframe is really 2016, and  
19       that has to do, of course, with reliability issues  
20       during that timeframe, whereas the renewable energy  
21       standard portfolios really extend to the year 2025.

22                       So the goal, the stated goal is that

1       you would like to have 25 percent of power,  
2       electrical generating capacity, 25 percent by the  
3       year 2025.

4                       So there is, of course, a timeframe  
5       discrepancy between my view and his view.

6               MS. BOJKO: Your Honor, I move to strike  
7       everything after "that is true" or "that is correct"  
8       as nonresponsive to my question, and I believe it  
9       mischaracterizes Mr. Webb's testimony.

10                      (Whereupon an off-the-record  
11                      discussion transpired at this  
12                      time between the ALJs.)

13               JUDGE ALBERS: Motion to strike is granted.

14               MS. BOJKO: Thank you, Your Honor.

15               Q. Doctor, are you aware that MISO's planning  
16       effort began prior to 2008 with the joint coordinated  
17       system plan which was an interregional planning  
18       effort?

19               A. I have learned this from the testimony of  
20       Mr. Webb.

21               Q. And you've also learned from the testimony  
22       that MISO continued to study and plan from 2008 to

1           2010 with the Regional Generation Outlet Study Group?

2           A.     That is mentioned in the testimony of  
3     Mr. Webb.

4           Q.     And you understand that that study involved  
5     numerous participants including transmission owners  
6     that are not member transmission owners of MISO?

7           A.     That's stated in Mr. Webb's testimony.

8           Q.     And you also understand that that included  
9     stakeholders as well that were outside of the  
10    transmission owner involvement or participation?

11          A.     That's also stated by Mr. Webb.

12          Q.     And, sir, is it your understanding now that  
13    the process did, in fact, consider transmission  
14    projects that are compatible with future system  
15    development of high voltage 345 kV and 765 kV lines  
16    as well as the high voltage direct current options?

17          A.     That's stated by Mr. Webb.

18          Q.     And, sir, is it your understanding that  
19    that process then was culminated, the collaboration  
20    between MISO, the transmission owners and the  
21    stakeholders then culminated into what's called the  
22    MISO transmission expansion plan, or MTEP?

1           A.     Stated by Mr. Webb.

2           Q.     Sir, is it your understanding now that over  
3     200 stakeholder meetings were held during 2008 to  
4     2011 to study all of these alternatives that have  
5     been discussed in Mr. Webb's testimony?

6           A.     That's stated by Mr. Webb too.

7           Q.     So it's your understanding that MISO did  
8     now consider alternatives?

9           A.     It did consider alternatives, but it  
10    doesn't mean that those alternatives are the best  
11    alternatives.

12          Q.     And, sir, were you involved in that  
13    stakeholder process? Did you study those  
14    alternatives with the stakeholders or the  
15    transmission owners?

16          A.     The information by MISO has come to my  
17    attention only during those hearings.

18          Q.     So the answer is no, you were not involved?

19          A.     I was not involved.

20          Q.     And is it your understanding that the  
21    Illinois River project is part of a portfolio of  
22    projects that together form what's called a

1 multi-value project portfolio which was evaluated by  
2 MISO and then actually approved by MISO's board of  
3 directors?

4 A. I haven't seen that but it was mentioned by  
5 Mr. Webb too.

6 Q. And, sir, do you understand that all this  
7 planning and engineering and designing of the system  
8 and evaluation of alternative routes were all  
9 completed prior to November 2012?

10 A. That's stated by Mr. Webb too. You are  
11 really repeating Mr. Webb's testimony.

12 Q. Well, sir, you state in your testimony that  
13 you weren't aware of any alternatives studied,  
14 anything that studied the different voltage levels,  
15 and now is it your understanding that all of those  
16 have been actually studied by MISO through numerous  
17 groups, stakeholder meetings, and MISO's normal  
18 regulatory business practices?

19 A. Yes, but I can contest these results if I  
20 have enough time to review it but we are in an  
21 expedited procedure and that information was not  
22 initially available for me to assess or to evaluate.

1 Q. Well, sir, did all of these meetings and  
2 all of these documents and the board approval of this  
3 document that talked about the expansion plan occur  
4 prior to ATXI's filing in this case?

5 A. As you suggested yourself, I became  
6 involved in these proceedings from the beginning of  
7 ATXI filing for the docket.

8 Q. And ATXI's filing was on November 7, 2012.

9 A. That's my first involvement.

10 Q. And so now it's your understanding that  
11 these alternatives were evaluated prior to that date?

12 A. Mr. Webb states that. MISO states that. I  
13 believe that. No problem.

14 Q. And, sir, you reference that you weren't  
15 familiar with the MISO processes, but isn't it true  
16 that Mr. Webb's direct testimony was originally filed  
17 in this case on November 8th, a day after MISO or  
18 ATXI filed its application?

19 A. I haven't had a chance to look at this  
20 information. It came too late into the proceedings.

21 Q. Sir, MISO's direct testimony that explains  
22 the MISO process was filed a day after the ATXI filed

1           its application, isn't that right that correct?

2           A.     I'm not going to contest that.

3           Q.     Sir, I know you've been here a lot this  
4           week. I don't recall if you were here on Monday  
5           during staff witness Rockrohr's testimony. Were you,  
6           sir?

7           A.     I think I've come to all the proceedings,  
8           yeah.

9           Q.     Okay. Good.

10                         So were you present when the staff  
11           witness stated that he believed that the Illinois  
12           River project does, in fact, address needs within  
13           MISO's entire operating region as well as meeting  
14           local loading and voltage issues?

15           A.     It could have happened, but I differ with  
16           that opinion, and if I'm given a chance, I can  
17           explain.

18           Q.     Sir, I think you mentioned that you are  
19           aware that both ATXI and Ameren Illinois are both  
20           MISO transmission owners, is that correct?

21           A.     Repeat the question, please.

22           Q.     It's your understanding that ATXI as well

1 as Ameren Illinois are both transmission owners of  
2 MISO?

3 A. That is understood, yes, as well as other  
4 utilities of course.

5 Q. Absolutely.

6 And you do understand that MISO's  
7 transmission owners such as ATXI and AIC as well as  
8 the other ones you just mentioned have obligations  
9 under the MISO's transmission owner agreement to  
10 support projects approved by the MISO board including  
11 a requirement to make a good faith effort to design,  
12 certify, and build the designated facilities to  
13 fulfill MISO's expansion plans that have been  
14 approved?

15 A. That doesn't mean that MISO and the owner  
16 of MISO, the utilities, has the last word. The last  
17 word, of course, is for the ICC.

18 Q. I understand, sir, but my question is are  
19 you aware that they are bound by a contract, a  
20 transmission owner agreement that has been approved  
21 by the Federal Energy Regulatory Commission?

22 A. That could be the case, but MISO and, of



1 course, the utilities who are members of MISO have a  
2 common interest and a common point of view. There is  
3 no doubt about that.

4 Q. And I'm assuming then that you were present  
5 the day of the hearing when the Staff/MISO Joint  
6 Exhibit 1 was discussed which included documentation  
7 of the MISO requirement that we just discussed and  
8 that the connections would actually be made with  
9 regard to the Illinois River project and other  
10 facilities?

11 A. Fine. Yes.

12 Q. Sir, in your testimony, you discuss  
13 postponement of the project.

14 Do you understand that delay in the  
15 construction of the project could significantly  
16 impact the regional plan that has been studied and  
17 evaluated for multiple years?

18 A. I think postponements of the project would  
19 lead to a much more robust and much more meaningful  
20 project because the expedited procedure does not  
21 allow really a full assessment of the different  
22 alternatives that should be taken into account.

1           Q.    But, sir, we just discussed that the  
2           collaborative process included the discussion of the  
3           alternatives and alternative options that have been  
4           discussed from 2008 to 2011, is that correct?

5           A.    I can give you a simple description if the  
6           judge, the bench, allows me to do it, and that is to  
7           suggest that basically the suggestions or the  
8           recommendation of MISO for the 345 line is not  
9           adequate for that long-term planning for wind power  
10          introduction into the Midwest.

11          MS. BOJKO:  I'm sorry, Your Honor.  I move to  
12          strike.  It was nonresponsive to my question.  That  
13          was not what I asked.

14          JUDGE ALBERS:  Well, I think he's trying to  
15          explain himself.  I'm not sure what you're going to  
16          say so I don't know.

17          THE WITNESS:  I'll just give a very quick  
18          response.

19          JUDGE ALBERS:  All right.  Give a quick  
20          response.

21          THE WITNESS:  The 345-kilovolt line that  
22          basically MISO and the utilities have adopted allow

1       only the transmission and the portability of at most  
2       600 megawatt of power. So 600 megawatt of power is  
3       equivalent of half a typical 1,000 megawatt say coal  
4       power plant or a nuclear power plant.

5               The goal of 25 percent renewables by  
6       2025 includes a range of power needs in the range of  
7       3,000 megawatts, and that can be calculated very  
8       easily.

9               If you take the wind power  
10       contribution to the electrical production in the  
11       United States in 2011, it was about three percent.  
12       In 2012, it has almost doubled to 5.6, let's say six  
13       percent.

14               If our goal by 2025 would be 25, this  
15       means that the capacity that we have to deal with is  
16       about 3,000 megawatt, and that cannot be dealt with  
17       with only a 600-kilovolt line, so that 645-kilovolt  
18       line is basically understated.

19               I suggested, of course, that a  
20       765-kilovolt line, a single one would do the same  
21       portability, provide the same portability as six  
22       345-megavolt lines or three 345-megavolt lines. That

1       would be double service.

2                       So in that case, if you only provide  
3       as MISO and the utilities one 345-kilovolt line and  
4       then later on in the year 2025 we need  
5       3,000-megawatt, what will happen, of course, is that  
6       we will come back to the ICC and ask for a second  
7       line and a third line, and that would, of course,  
8       affect the right-of-ways of the landowners and lead,  
9       of course, to an undesirable environmental effect.

10               MS. BOJKO:   Now, Your Honor, I'll move to  
11       strike his response as nonresponsive.   My question  
12       was about delay of the project, and I also believe it  
13       assumes facts not in evidence.

14               JUDGE ALBERS:   The usual procedure is that the  
15       attorney would ask redirect, so if it happens as  
16       such, we'll be obligated to give him an opportunity  
17       to provide his own redirect, so we'll probably hear  
18       this again.   We might as well hear it now.

19               MS. BOJKO:   I understand.   I'll withdraw my  
20       objection.

21               Q.     Sir, I just want to make sure we're clear.  
22       MISO's testimony stated that it did study

1 alternatives, and those alternatives were rejected,  
2 is that correct?

3 A. That's a prerogative of MISO; of course.

4 Q. And, sir, you discuss undergrounding the  
5 transmission facilities.

6 I'm assuming that you are not  
7 suggesting that the entire transmission line be  
8 underground. Is that accurate?

9 A. Mr. Kramer did, in fact, mention that, and  
10 I never mentioned that the undergrounding should be  
11 over the whole set of the project.

12 Like undergrounding in the testimony  
13 of Mr. Kramer himself basically would be only in high  
14 population areas and in, of course, more sensitive  
15 farmland areas maybe or environmentally sensitive  
16 areas.

17 This is what is actually adopted by  
18 most of the very progressive utilities out east, and,  
19 in fact, most of the people here sitting in this room  
20 may have their neighborhoods with the power lines  
21 underground, but it's not all over that we have to do  
22 it.

1                   But we can do it and, of course, avoid  
2           the environmental effects of having overhead power  
3           lines.

4           Q.     But, Doctor, I'm talking about the large  
5           transmission facility, not the distribution utilities  
6           that run through neighborhoods. I'm talking about  
7           the large transmission line.

8                   It's not your testimony today to  
9           underground the entire Illinois River project, is it?

10          A.     That would be a misrepresentation of my  
11          testimony. It's only, I said only in highly  
12          populated areas. When the power lines basically  
13          converge to a substation, you'll find that, of  
14          course, the signature on the land becomes much, much  
15          larger.

16          Q.     Sir, I'd like to talk about your exhibits  
17          for a moment.

18                   Exhibit 1.6 which is an AEP document,  
19          that document is not dated, is it?

20          A.     I want to find that exhibit in my file.

21                   (Pause)

22          A.     That document is not dated, but it does

1 mention studies that were conducted at a given  
2 timeframe, and I think it's part of the document, and  
3 that is where I got my data basically, that  
4 765-kilovolt. I can read it for you if you wish.

5 Q. No. I'm just asking if the document is  
6 dated, sir, and I believe you said no to that  
7 question.

8 A. Well, there is here a reference that's  
9 dated April 24, 2007, so I would assume that would be  
10 the approximate date of that document.

11 In page...

12 Q. The document itself is not dated, is that  
13 correct?

14 A. That is not dated obviously, but it  
15 references 2006-2007.

16 JUDGE ALBERS: So it's easier for all of us,  
17 just answer the question posed.

18 THE WITNESS: Okay. I assume that document  
19 dates to 2007.

20 Q. BY MS. BOJKO: And there are no authors  
21 listed for this document either?

22 A. The author is American Electric Power.

1           Q.    Right.  There are no specific people that  
2           authored or wrote the document listed, sir?

3           A.    It's Interstate Transmission Vision for  
4           Wind Integration, the title, and they author that  
5           AEP, which is American Electric Power.

6           Q.    Sir, did you author this document?

7           A.    No.

8           Q.    Did you provide any input into this  
9           document?

10          A.    No.

11          Q.    Isn't it true that the stated purpose of  
12          the document is to promote discussions, set the stage  
13          for action?

14          A.    I'm using some of the data provided by the  
15          document as to how much portability different power  
16          levels of transmission lines can provide.

17          Q.    Sir, I'm asking if the document's stated  
18          purpose on page 1 is to promote discussion and set  
19          the stage for action.

20          A.    I do not dispute that.  I'm saying...

21          Q.    And isn't it also true that this document  
22          states that it's a conceptual transmission plan that



1 is illustrative and should be treated as such?

2 A. All documents that are research projects,  
3 of course, are of that nature.

4 Q. Well, sir, isn't it also true that the  
5 document specifically states that many possible  
6 configurations that could be leveraged to integrate  
7 wind and other resources exist, and that the goal is  
8 merely to present this proposal as one possible  
9 scenario?

10 A. That study considered difference, and  
11 you'll find there were contributors to the study like  
12 the NREL, the National Renewable Energy Laboratory,  
13 the Department of Energy and many others.

14 In the same way that MISO has done its  
15 studies, AEP has done its studies.

16 Q. Right. And I'm asking that the document  
17 that you're referring to specifically states that  
18 this is one possible scenario out of a multitude of  
19 scenarios.

20 A. Of course there are a multitude of  
21 scenarios, and that's what we should be taking into  
22 consideration.

1           Q.    Right.  And the document talks about it  
2           being theoretical and illustrative and conceptual and  
3           a visionary concept.

4           A.    That's what you need a vision for, for the  
5           year 2025.

6           Q.    And doesn't the document also state that  
7           the capital investment that you're referring to is  
8           estimated to cost \$60 billion in 2007 dollars?

9           A.    And that is what the Society of Civil  
10          Engineers has suggested for the status of our North  
11          American transmission system.  Yes, it's stated 50 to  
12          \$60 billion.

13          Q.    And if we would refer down to Exhibit 1.8,  
14          Part 1 which is a paper by Joskow and Tirole.

15          A.    I have to find that paper.  What number,  
16          please?

17          Q.    1.8, Part 1 is what I believe it's  
18          designated as.

19          A.    1.8, Part 1 of 6, yes.  The authors are  
20          Paul Joskow and John Tirole.  The title is "Merchant  
21          Transmission Investment."

22          Q.    And that document is dated May 6, 2003

1       which is 13 years ago, is that correct?

2           A.     That is dated May 6, 2003, correct.

3           Q.     And do you know if it's been updated?

4           A.     No.

5           Q.     And do you personally know the author, sir?

6           A.     No.

7           Q.     Did you assist in drafting this document,  
8     sir?

9           A.     No.   I'm using it as a reference.

10          Q.     Did you provide any input into the  
11     document?

12          A.     No.

13          Q.     Do you know if the paper was ever  
14     published?

15          A.     It has been published obviously.

16          Q.     No, not obviously, sir.   Do you know where  
17     the publisher is?

18          A.     At least in one of the references, MIT  
19     Research Report, MIT Center for Energy and  
20     Environmental Policy, and Cambridge MIT Institute is  
21     gratefully acknowledged, so that would be...

22          Q.     No.   I'm asking, sir, if the paper was

1 actually published in a publication, an official  
2 publication, an energy publication or any kind of  
3 publication.

4 If you look at Mr. Joskow's website,  
5 most of the papers that are listed on that website  
6 actually have publications, and I'm asking if you  
7 know whether this one has a publication source.

8 A. I assume it has a publication source;  
9 otherwise it wouldn't be written in that format.

10 Q. Well, sir, in your curricula vitae that you  
11 just passed out, was every single one of your papers  
12 published in a magazine or a publication?

13 A. Or journals or reports, yes, but that can  
14 be reports, internal reports like MISO studies, of  
15 course, are internal reports.

16 Q. Exactly. So an internal paper or report  
17 would not necessarily be published in an energy  
18 journal or another journal?

19 A. Reports and studies are published in many  
20 different ways. It could be book chapters, it could  
21 be conferences, journals, magazines.

22 Q. Are you talking about this specific one?

1       You don't know where it was published; is that fair?

2           A.    I can find out if it's requested from me.

3           Q.    And did you pull it off of Mr. Joskow's  
4       website?

5           A.    No.  We pulled it from the Internet by  
6       searching, and we have the ability at the University  
7       of Illinois of accessing any library publications all  
8       over the United States.

9           Q.    So you didn't obtain it through a  
10      published source?

11          A.    Yes.

12          Q.    Let's look at Exhibit 1.8, Part 8.  Do you  
13      have that one in front of you?

14          A.    1.8, Part 6 of 6.  Can you specify the  
15      title, please?

16          Q.    AEP Transmission Facts.

17          A.    Oh, yeah.  I think I have it here,  
18      Transmission Facts by American Electric Power.

19          Q.    Do you know when that document was written,  
20      sir?

21          A.    It refers to references in the year  
22      April 24, 2007, so I assume it was written around

1       2007 or afterwards.

2           Q.     Or sometimes after.

3           A.     Yeah.

4           Q.     So you don't know when exactly it was  
5       written.

6           A.     No, I don't.

7           Q.     That was one date in one data source, is  
8       that correct?

9           A.     That is true, yes.

10          Q.     So do you know if it's been updated since  
11       2007 if that is one of the dates?

12          A.     Just laid this document in my view.

13          Q.     But you don't know, sir?

14          A.     No.

15          Q.     Did you draft it?

16          A.     No, I didn't draft it.

17          Q.     Did you have any input into it?

18          A.     No.

19          Q.     Do you know who wrote it?

20          A.     American Electric Power document, journal  
21       document.

22          Q.     Right. Do you know a specific author that

1 wrote it, a specific employee that wrote it?

2 A. I have no relation with American Electric  
3 Power to tell you who the employee was. You'd have  
4 to ask them.

5 MS. BOJKO: Your Honor, I have no further  
6 questions. Thank you.

7 Thank you, Doctor.

8 THE WITNESS: You're welcome.

9 JUDGE ALBERS: Mr. Whitt or Mr. Sturtevant, do  
10 either of you have questions?

11 MR. WHITT: I do have a few questions, Your  
12 Honor.

13 Doctor, again, my name is Mark Whitt.  
14 I'm one of the lawyers for ATXI.

15 Do you have, sir, your exhibit --

16 JUDGE ALBERS: Oh, I'm sorry, Mr. Whitt.

17 Do we need to deactivate the phone  
18 bridge? It's 10 o'clock.

19 MR. DEARMONT: We do not. This is Eric  
20 Dearmont from ATXI.

21 From what I understand, there may be  
22 some issues of the streaming of the hearing this

1 morning. If that is the case, I've checked, and our  
2 phone bridge is available all day, so for whatever  
3 that's worth.

4 JUDGE ALBERS: Well, no one told us there were  
5 issues.

6 MR. DEARMONT: You may want to confirm that but  
7 I received a few e-mails about it recently.

8 JUDGE ALBERS: Go ahead, Mr. Whitt.

9 CROSS-EXAMINATION

10 BY MR. WHITT:

11 Q. Doctor, do you have your Exhibit 1.1 in  
12 front of you?

13 A. Exhibit 1.1 is in front of me, sir.

14 Q. Okay. Give a moment to let the bench get  
15 there as well.

16 As I understand it, Doctor,  
17 Exhibit 1.1 shows the location of the Ragheb family  
18 farm?

19 A. Correct.

20 Q. That's indicated in the black box, is that  
21 right?

22 A. Correct.



1           Q.    And it's my understanding that at the  
2           southeast corner or, I'm sorry, southwest corner of  
3           the black box indicating your farm, that's a machine  
4           shed down there, is that right?

5           A.    That's correct.

6           Q.    Is there a house in the Ragheb family farm?

7           A.    No.

8           Q.    So where do you live in relation to --

9           A.    I live in Champaign.

10          Q.    Okay.  What is the building or structure  
11          that's to the west of the Ragheb family farm?

12          A.    To the west?

13          Q.    And it looks like there's a driveway off of  
14          County Road 800 East.  There's a driveway and there's  
15          some kind of a building there.

16          A.    That's a machine shed.

17          MR. WHITT:  May I approach, Your Honor?

18          JUDGE ALBERS:  Yes.

19          THE WITNESS:  This is the neighbor's farm.

20          That's not our farm.  That's Nancy Madigan's farm.

21          Our farm is only within the designated black  
22          rectangle.  You can look at mine and...

1           MR. WHITT:   Okay.   I think I have it figured  
2           out.

3           THE WITNESS:   Okay.   Sure.

4           Q.    But just so we're clear, your Exhibit 1.1  
5           shows farmland that you own, but this is literally  
6           just farmland, and there's no homestead within your  
7           property indicated on your exhibit?

8           A.    No.

9           Q.    No meaning...or yes, what I said was  
10          correct?

11          A.    Okay.   I'll be clearer.   I know you want an  
12          exact answer of course.

13                       There is no home there.

14          Q.    Okay.   Now, it's my understanding that you  
15          oppose ATXI's alternative route on the Sidney-Rising  
16          portion of the transmission line, is that correct?

17          A.    Correct.

18          Q.    And with respect to Exhibit 1.1, could you  
19          indicate approximately where the alternate route  
20          would run in relation to your farm, and by  
21          approximate, you know, north, south, east or west?

22          A.    I'll have to specify that there is already

1 a distribution line along County Road 600 North.

2 Then what you would do is you would go half a mile  
3 north right in the center of the section, and that  
4 transmission line would come in from east to the  
5 west.

6 Q. Okay. So --

7 A. It would be adjacent to the home that is  
8 shown on the east side, midway through the section to  
9 the east side, and it would come right north of  
10 Mrs. Nancy Madigan's farm, and, of course, she has a  
11 cattle operation. That's the one that you mistook  
12 for a home.

13 Q. Okay. So in other words, the alternate  
14 route would run across the northernmost portion of  
15 your property?

16 A. Correct.

17 Q. Okay.

18 A. May I add something if you would allow me  
19 to?

20 Q. No. I'm trying to be nice but...

21 A. We are trying to find the truth of course.  
22 That's the objective.

1 Q. No. I think I get it?

2 A. That is --

3 JUDGE ALBERS: Doctor, later after you're done,  
4 if there's some clarification you want to make, I'll  
5 give you a chance.

6 MR. WHITT: And he will. He's good for it.

7 Q. Now, your testimony suggests that ATXI  
8 should build a 765 kV line instead of a 345 kV line,  
9 is that correct?

10 A. That is to satisfy the future need and to  
11 avoid in the future coming in and having a second and  
12 a third 345-kilovolt line which would, of course,  
13 impact more land, and even if you would take a double  
14 line on each of the poles, that would triple really  
15 or double maybe the right-of-way.

16 Q. If ATXI's proposal were to site a 765-kV  
17 line across the northern border of your property,  
18 would that alleviate your concern that you've  
19 expressed in the case?

20 A. No, it won't, and our suggestion for the  
21 alternate line is to go from the County Road 600  
22 north, a little north on your map, to County Road 700

1 North where an existing power line exists already,  
2 and the suggestion there is that all you can do is  
3 simply overpower it, repower it and go to the  
4 765-kilovolt.

5 Q. Okay.

6 A. There is no reason to put in extra power  
7 lines when there are already existing rights-of-way  
8 just near the property there.

9 Q. Now, in addition to the alternative that  
10 you've just discussed which is to site the line along  
11 the County Road 600 where the distribution lines  
12 are...

13 A. No, 700 North. I can show you on the map.

14 Q. Yes. Thank you for that clarification.

15 In addition to that alternative, ATXI,  
16 in fact, has proposed a primary route that would  
17 avoid your property entirely, is that right?

18 A. I understand that as the proceedings  
19 progress that that has become the preferred route for  
20 ATXI.

21 Q. Okay. And if the Commission were to adopt  
22 ATXI's preferred route along the Sidney to Rising

1 section, that would alleviate the concerns you've  
2 expressed with respect to the location of the line,  
3 wouldn't it?

4 A. It would alleviate lots of concerns because  
5 this line in particular is the preferred line because  
6 it has already the existing right-of-way so they  
7 don't have to go basically and acquire new  
8 rights-of-way and create problems in the acquisition  
9 process.

10 That line, according to the testimony  
11 of the ICC staff, already has the rights-of-way  
12 existing.

13 Q. Okay. And so we're clear, when you say  
14 that line, we're talking about the preferred route?

15 A. What ATXI is now kind of leaning towards,  
16 yeah.

17 Q. Okay. Do you have in front of you, sir,  
18 exhibit...oh, before I ask that, what type of farming  
19 is done on your property?

20 A. Right now it's planted in wheat.

21 Q. Okay. And is that land that you farm or is  
22 that leased to somebody else?

1           A.    No.  We farm it ourselves.  We are in a way  
2 farmers too, landowners and farmers.

3           Q.    Not to get into personal details about your  
4 income levels and so forth, but you earn your living  
5 primarily as a professor?

6           A.    I earn my living as a professor to pay the  
7 mortgage for the farm like most of the farmers out  
8 there.

9                   I would like to add also that I am on  
10 a nine-month salary basis, so my activity in the  
11 farming is really over the summer.

12                   In addition, if you look at the map,  
13 there is also an apiary, meaning beehives, and I hold  
14 a certificate, the Queen Breeder Certificate No. 2 in  
15 the State of Illinois, and that's one of the reasons  
16 why I have the farm.

17           Q.    Okay.  Let's look at your Exhibit 1.3.

18           A.    Yes, sir.

19           Q.    And I believe it's actually a four-page  
20 exhibit.  At least it's marked as such on mine.

21           A.    Yes, Exhibit 1.3, correct.

22           Q.    And I'm just going to look at the first

1 page, and on the first page of Exhibit 1.3, there is  
2 a proposed runway noted, is that right?

3 A. Yes. That is a project that my son has had  
4 for a long, long time.

5 Q. And this proposed runway would be alongside  
6 the eastern portion of your property, correct?

7 A. That's true because the topography is such  
8 that to meet the requirements of the Federal Aviation  
9 Administration, I'll refer to it as FAA, there should  
10 be some slope and length requirements for such a  
11 project.

12 Q. Okay.

13 A. And I would add that the topography of the  
14 farm does not allow it to be situated anywhere other  
15 than that part of the farm.

16 Q. Okay. When do you expect to -- well, let  
17 me strike that question.

18 How long would this runway be if it's  
19 built?

20 A. I think one of the exhibits shows exactly  
21 what it is, 1,850 feet in length and 100 feet in  
22 width. That's Exhibit 1.3, page 2 of 4. It's giving



1       you the dimensions.

2               Q.     Okay.  I see that.  Thank you.

3                       Now, does the FAA have any  
4       restrictions or guidelines on what activities could  
5       be done adjacent to the runway?  In other words,  
6       we'll have a runway that's a hundred feet wide.  I  
7       would assume you can't build a radio tower or  
8       something right next to the runway.

9                       I'm just trying to understand if  
10      there's an area beyond the hundred feet that would  
11      have some restrictions on it by virtue of the  
12      activity there?

13              A.     I don't know of any of the restrictions as  
14      I review, of course, the application, and  
15      interestingly, they don't have expedited procedures  
16      that we have the benefit of here, so we have to  
17      simply wait for their approval.

18              Q.     Okay.  What will this runway be made of?  
19      Will it be paved or --

20              A.     No.  Beside the highway would be simply  
21      mowed grass.

22              Q.     Okay.

1           A.    And there is a runway really close to us.  
2           About two or three miles southeast of us, somebody  
3           has a runway along the road, along their farm.  It's  
4           a grassway.

5           Q.    Okay.  Would this runway be purely for your  
6           family's use or would you allow others to use it?

7           A.    No; purely for my son who has acquired a  
8           pilot's license.

9           Q.    And hence, restricted your ability to  
10          retire when you would like to I assume.

11          A.    I do not plan on retiring unless it's  
12          health reasons.  I am past retirement age.

13          Q.    So if you build this runway, obviously,  
14          you're not going to be able to grow crops in the  
15          runway area, correct?

16          A.    I have visited friends in Kansas, and they  
17          have a similar runway, and they have an airplane in  
18          their barn, and they land basically on their wheat  
19          field.

20                        So right now it's wheat so we can just  
21          land the airplane on a wheat field, and our plan is  
22          to mow it and, of course, to turn it into grass once

1       we get the approval of the FAA. We are not allowed  
2       to start on it until we get the approval, and it  
3       takes time.

4             Q.    Okay. But the runway, nonetheless, will  
5       diminish to some degree your ability to farm the area  
6       within the runway?

7             A.    Of course. We can plant in wheat though.

8             MR. WHITT: Okay. I don't have anything  
9       further.

10            JUDGE ALBERS: All right. Any others have  
11       questions of Dr. Ragheb?

12                   All right. As you probably have  
13       noticed in your time here this week, after a witness  
14       is cross-examined, their attorney is typically given  
15       an opportunity to clarify or address any statements  
16       that the witness made during cross-examination.

17            THE WITNESS: I appreciate your mentioning that  
18       to me and I will take advantage of it. Thank you.

19            JUDGE ALBERS: Okay. But anything you say has  
20       to be tied to the cross-examine questions you've been  
21       asked.

22            THE WITNESS: Obviously, yes, of course.

1           MR. ADAM RAGHEB: Your Honor, may I talk with  
2 him real quick?

3           JUDGE ALBERS: Sure.

4                   Off the record for a couple minutes.

5                           (Recess taken.)

6           JUDGE ALBERS: Back on the record.

7                   Dr. Ragheb, do you have any  
8 clarifications you'd like to make based on the  
9 cross-examination?

10          DR. RAGHEB: Yes. I would appreciate the fact  
11 if I can make them.

12                   REDIRECT IN NARRATIVE FORM

13          BY DR. RAGHEB:

14                   In relation to the AEP (American  
15 Electric Power) document that you presented is a  
16 document that any prudent person would consider in  
17 planning and, of course, the conduct of their  
18 affairs. It's a legal principle I hope in the same  
19 ways that document from MISO or from ATXI can be also  
20 considered in the same context, and, in fact, that  
21 document, if I add another comment there, did convert  
22 eventually to the use of the 765-kilovolt for a

1 national kind of an approach for wheat production  
2 whereas, of course, the MISO and ATXI conversion was  
3 to 345-kilovolt.

4 345-kilovolt from that perspective  
5 satisfies maybe a very, very local need but does not  
6 fit within the national plan for using renewables, 25  
7 percent, for electricity production by 2025. It is a  
8 short-term need and a local need only within the  
9 footprint of MISO and their owner utilities.

10 In terms of the economic concepts, the  
11 concepts in general that were discussed do not matter  
12 really whether it's 2007 or 2012. These basic  
13 economic principles do not change much as a function  
14 of time so if they would apply in 2007, they'll apply  
15 in 2012. To say that the document was old from 2007  
16 and doesn't apply in 2012, then we would not be able  
17 to reference any old papers or research done, say  
18 theoretical reactivity for instance.

19 In terms of the mention by the  
20 gentleman, the attorney about the use of the strip  
21 there, he is implying that it diminishes the value of  
22 our land.

1                   At our discretion and by informing the  
2           FAA, we can remove it at any time if we wish, but  
3           that is not our intention now, and, as I said, it  
4           does not affect really the way that the land is used  
5           because a light airplane can simply land on the  
6           wheat, no problem, and it is planted currently in  
7           wheat.

8           JUDGE ALBERS:   Anything else?

9           DR. RAGHEB:   That is all.   Thank you very much.

10          JUDGE ALBERS:   Any recross on that?

11          MS. BOJKO:   Yes, Your Honor.   I have one quick  
12          question.

13                               REXCROSS-EXAMINATION

14          BY MS. BOJKO:

15               Q.    You discuss the MISO process and what they  
16               should or shouldn't review.

17                       Did you engage in discovery in this  
18               case, sir?

19               A.    Repeat that question again.

20               Q.    Did you engage in the discovery process?  
21               Did you ask ATXI discovery questions in this case?

22               A.    Yes, we did, and some questions were

1        answered, some questions were not answered.

2            Q.     Sir, did you similarly ask MISO any  
3        questions and ask MISO what they did consider or  
4        didn't consider when evaluating the Illinois River  
5        project?

6            A.     My understanding is that ATXI has simply  
7        referred to what MISO has recommended.

8            Q.     I'm sorry. Was that a yes?

9            A.     To answer the question clearer, I had a  
10       chance to interview the engineers at the meeting that  
11       MISO had organized, and I can comment if you wish on  
12       what those engineers basically told me.

13           Q.     No, no. I'm asking if you took part in the  
14       discovery process in this case by asking your  
15       questions regarding alternatives to MISO in this  
16       hearing, in this proceeding?

17           A.     MISO was not involved in the discovery  
18       process initially. All the questions were addressed  
19       to ATXI. MISO came in later into the process.

20           Q.     Sir, I thought we just established that  
21       MISO came into the process the day after ATXI filed  
22       its application in this case. It not only intervened

1 the day after, it also filed direct testimony the day  
2 after.

3 A. In the discovery process, my questions were  
4 addressed to ATXI.

5 Q. So you did not choose to ask MISO any  
6 questions regarding what alternatives they may or may  
7 not have explored in the hearing in this case?

8 A. I learned about MISO later on in the  
9 process.

10 Q. So that's a no, sir? You did not ask MISO  
11 any discovery questions; is that right?

12 A. There was no chance in the expedited  
13 process to even consider MISO'S alternatives.

14 In a more normal process, I'll be very  
15 happy to review MISO's.

16 MS. BOJKO: Your Honor, I move to strike. I'm  
17 merely asking if he did, in fact, ask MISO any  
18 questions, and I did not get an answer.

19 THE WITNESS: I did not, okay? That answers  
20 the question.

21 MS. BOJKO: Thank you, sir.

22 JUDGE ALBERS: All right. Anything further?



1 MS. BOJKO: No.

2 JUDGE ALBERS: Thank you, Doctor.

3 DR. RAGHEB: Can I make a final statement about  
4 our intent if possible?

5 JUDGE ALBERS: Your intent to do what?

6 THE WITNESS: No, just summarize my position.  
7 That's all.

8 JUDGE ALBERS: No. Later there will be a  
9 chance to submit briefs in the case, and you can do  
10 it there. It's a written document.

11 DR. RAGHEB: Thank you, Your Honor.

12 JUDGE ALBERS: Any objection then to the  
13 admission of the previously identified exhibits?

14 MS. BOJKO: Yes, Your Honor.

15 Pursuant to Illinois Evidence Rule  
16 804, Exhibits 1.6, 1.8, Part 1, and 1.8, Part 8, are  
17 classic hearsay. They do not qualify for any hearsay  
18 exceptions. We can't authenticate the documents.  
19 The witness has no personal knowledge of the  
20 documents or the authors. We do not know where or in  
21 what context they are published. The documents are  
22 not statements by parties in this proceeding. One is

1 clearly outdated. We have no ability to  
2 cross-examine the professors that wrote that paper,  
3 and we have no idea whether the assertions are even  
4 still valid. At least one of those professors has  
5 continued to write papers, and this one does not  
6 appear to be published. Others have and they're not  
7 updates to this document. Another one is not dated,  
8 and it has no author.

9                   Additionally, all these documents,  
10 particularly the ones regarding AEP, are irrelevant  
11 for the purposes of this proceeding. AEP is not a  
12 party, and the testimony should be excluded because  
13 any probative value that it may have is substantially  
14 outweighed by the danger of any unfair prejudice,  
15 confusion of the issues, and it is clearly  
16 misleading, Your Honors.

17           MR. WHITT: Your Honor, ATXI would join in the  
18 objection.

19           JUDGE ALBERS: Okay. Exhibit 1.6...

20           MS. BOJKO: 1.6 is the AEP document, 1.8 Part 1  
21 is the Joskow document, and then 1.8, Part 8, is AEP  
22 Transmission Facts; so two AEP documents and one

1 paper that could not be authenticated, and the  
2 witness noted he had no part in drafting any of these  
3 three documents as well.

4 JUDGE ALBERS: Do you wish to respond to that?

5 DR. RAGHEB: My response is that again, these  
6 are documents the same way as documents generated by  
7 ATXI or MISO that again a prudent person would still  
8 use it to conduct their business affairs. We did not  
9 use all the documents. We used facts from the  
10 documents as to the portability of power and  
11 different options that we have, and we think that the  
12 345-kilovolt line does not satisfy the needs of the  
13 goal of having power, a renewable power, 25 percent  
14 renewable by the year 2025, so it doesn't satisfy the  
15 national plan.

16 MS. BOJKO: And obviously, Your Honor, we  
17 contest the facts asserted in that statement.

18 JUDGE ALBERS: All right. We'll overrule the  
19 objection but give the identified documents the  
20 appropriate weight.

21 Any other objections, concerns,  
22 questions?

1                   Okay. Hearing none, then we will  
2       admit in the record the 1.0R, 1.1 through 1.7, 1.1  
3       through 1.8.

4                   I'm sorry. Let me back up there.

5                   We'll admit Exhibits 1.0R, 1.1 through  
6       1.7, 1.8.1 through 1.8.6, 1.9, 1.10 and 2.0.

7                   (Whereupon Ragheb Family  
8                   Exhibits 1.0R, 1.1 through 1.7,  
9                   1.8.1 through 1.8.6, 1.9, 1.10  
10                  and 2.0 were admitted into  
11                  evidence at this time.)

12       JUDGE ALBERS: Thank you, Doctor.

13       THE WITNESS: Thank you for the experience.

14                   (Witness excused.)

15       MR. BRADY: I do have a clarification on the  
16       identification of the Ragheb Family exhibits

17       JUDGE ALBERS: Mr. Brady, you have a question  
18       about the exhibits?

19       MR. BRADY: Yes, Your Honor. What was the  
20       exhibit number of the direct testimony of Mr. Ragheb?

21                   The reason I ask is on e-Docket, I  
22       believe they've provided a corrected version.

1       They've labeled it as exhibit, on e-Docket, it's  
2       labeled as Exhibit 3.0, but the actual document  
3       itself has Exhibit 1.0 on it, so I'm wondering what  
4       exhibit number are you using when you admit it into  
5       the record.

6               MR. ADAM RAGHEB: The direct testimony of  
7       Dr. Magdi Ragheb.

8               JUDGE ALBERS: Okay. So, Dr. Ragheb, is it  
9       your intent, was the 3.0 designation just an error?

10              DR. RAGHEB: It's an error. It should be 1.

11              JUDGE ALBERS: Okay. So we're going to use the  
12       label of Ragheb Family Exhibit 1.0R for the direct  
13       testimony.

14              DR. RAGHEB: Correct, Your Honor. Thank you so  
15       much.

16              JUDGE ALBERS: Thank you.

17                       Does that help, Mr. Brady?

18              MR. BRADY: Yes. Thank you for the  
19       clarification.

20              JUDGE ALBERS: I didn't realize e-Docket had  
21       something different.

22                       All right. I think our next witness

1 is Ms. Murphy, so if you'd like to call your witness.

2 MR. WHITT: Thank you, Your Honor. ATXI would  
3 call Ms. Donell Murphy.

4 MR. BRADY: Messrs. Albers and Yoder, Sean  
5 Brady here. What was your -- I didn't hear your  
6 ruling on Ms. Bojko's motion, MISO, and ATXI's  
7 motion?

8 JUDGE YODER: The motion was overruled, and  
9 those exhibits were admitted over objection and will  
10 be given the appropriate weight in the final order.

11 MR. BRADY: Thank you.

12 JUDGE YODER: Ms. Murphy, were you previously  
13 sworn.

14 MS. MURPHY: Yes, I was.

15 DONELL MURPHY  
16 called as a witness herein, on behalf of the  
17 Petitioner, having been first duly sworn on her oath,  
18 was examined and testified as follows:

19 DIRECT EXAMINATION

20 BY MR. WHITT:

21 Q. Ms. Murphy, could you please introduce  
22 yourself to the Commission by stating your full name,

1       your employer and business address, please?

2           A.     Yes.   My name is Donell (D-o-n-e-l-l)  
3     Murphy.   My employer is Environmental Resources  
4     Management, or ERM, and our business address is 1701  
5     Golf Road, Suite 1-700, Rolling Meadows, Illinois  
6     60008.

7           Q.     Ms. Murphy, do you have in front of you a  
8     series of documents entitled ATXI -- let me start  
9     over.

10                   Do you have in front of you a document  
11     marked ATXI Exhibit 4.0?

12           A.     Yes, I do.

13           Q.     Is that the direct testimony that you have  
14     prepared for this proceeding?

15           A.     Yes, it is.

16           Q.     And are ATXI's Exhibits 4.1, 4.2, 4.3  
17     Confidential and 4.4 through and including 4.10  
18     intended to be part of your direct testimony?

19           A.     Yes, they are.

20           Q.     Do you have any corrections to make to your  
21     direct testimony?

22           A.     No, I do not.

1           Q.    If I were to ask you the same questions  
2           that appear in your direct testimony today, would  
3           your answers be the same?

4           A.    Yes, they would.

5           Q.    Ma'am, do you also have in front of you a  
6           document marked ATXI Exhibit 13.0 Second Revised?

7           A.    Yes, I do.

8           Q.    Is that rebuttal testimony that you  
9           prepared for this proceeding?

10          A.    Yes, it is.

11          Q.    And are ATXI Exhibits 13.1 Revised, 13.2,  
12          13.3, 13.4, 13.5, 13.6 Revised and 13.7 through and  
13          including 13.10 part of your rebuttal testimony?

14          A.    Yes, they are.

15          Q.    Do you have any corrections to make to your  
16          rebuttal testimony?

17          A.    I do.

18                       If I can point you to line 851 of  
19          Exhibit 13.0 revised with the sentence that starts  
20          with "This impact has not been..." I inadvertently  
21          missed the word "addressed." That would need to be  
22          added at the end of that sentence.



1 JUDGE ALBERS: What page was that?

2 THE WITNESS: That's line 851.

3 MR. WHITT: Page 40, Your Honor.

4 JUDGE ALBERS: Thank you.

5 Q. BY MR. WHITT: Subject to the correction  
6 you've just identified, if I were to ask you the same  
7 questions that appear in your rebuttal testimony,  
8 would your answers be the same?

9 A. Yes, they would.

10 MR. WHITT: Your Honors, at this time, the  
11 company would move for the admission of the  
12 previously identified exhibits subject to  
13 cross-examination.

14 JUDGE YODER: Thank you. We'll address the  
15 admissibility following cross, and I assume parties  
16 wish to cross in the order listed here, Adams County  
17 first.

18 MR. KALB: Yes, Your Honor.

19 (Adjustment with the projector)

20 JUDGE YODER: While you're fixing that, we'll  
21 take about a five-minute, six minute recess.

22 (Recess taken.)

1 JUDGE YODER: All right. Back on the record.

2 We have cross from Adams County

3 Property Owners.

4 MR. KALB: You ready, Your Honor?

5 JUDGE YODER: Yes.

6 MR. KALB: Good morning, Ms. Murphy. How are  
7 you?

8 THE WITNESS: Fine.

9 MR. KALB: My name is Brian Kalb. I represent  
10 a group of Adams County property owners. I also  
11 represent the Louise Brock-Jones Partnership.

12 CROSS-EXAMINATION

13 BY MR. KALB:

14 Q. Ma'am, you received your undergraduate  
15 degree in forest biology, correct?

16 A. Yes, that is correct.

17 Q. You belong to the Society of American  
18 Foresters, is that right?

19 A. Yes, I do.

20 Q. Your expertise is in environmental impact  
21 assessments, correct?

22 A. That is correct.

1           Q.    Does that include assessing the  
2           environmental impacts for transmission line routing  
3           analysis?

4           A.    It would include transmission lines and any  
5           type of project development.

6           Q.    You don't have any expertise in farming  
7           practices, do you?

8           A.    I was raised on a very large cow ranch in  
9           the Sand Hills of Nebraska.  I was on a tractor  
10          before I had a license to drive a car and am very  
11          familiar with agriculture practices.

12          Q.    You're not here today to provide expert  
13          testimony on farming practices, are you?

14          A.    No, I'm not.

15          Q.    You don't have any education in  
16          engineering, correct?

17          A.    No, I do not.

18          Q.    You don't have any expertise in  
19          engineering, is that correct?

20          A.    That is correct.  I am here today to talk  
21          about the routing of this particular project.

22          Q.    And for this particular project as it

1 relates to the engineering of the project, you rely  
2 on the statements and data provided to you by other  
3 engineering professionals, correct?

4 A. Correct; namely, engineers on behalf of  
5 ATXI.

6 Q. As it relates to construction estimating,  
7 you don't have any expertise in the construction  
8 estimating for this particular project, is that  
9 correct?

10 A. I don't know what you mean by construction  
11 estimating.

12 Q. What I mean is the costs associated with  
13 one route versus the other or the overall route  
14 itself?

15 A. I had no involvement in developing the  
16 project costs.

17 Q. So once you perform your environmental  
18 impact analysis, you rely on someone else in the ATXI  
19 team to provide a cost assessment for that route,  
20 correct?

21 A. That is correct. From a routing  
22 standpoint, we identified potential route

1 alternatives based on environmental routing criteria.  
2 We subsequently made some distinctions of  
3 alternatives and ultimately identified the proposed  
4 routes, and then other considerations such as  
5 engineering and cost as you'd mentioned are also  
6 factored into the analysis to ultimately make the  
7 distinction between the primary and the alternate  
8 routes that were carried forward.

9 Q. In this particular project, the Illinois  
10 Rivers Project -- and if I refer to the Illinois  
11 Rivers Project as IRP, will you understand what I'm  
12 referring to?

13 A. Yes, I will.

14 Q. For the IRP, you assisted in doing  
15 environmental analysis -- strike that.

16 You were involved in environmental  
17 impact analysis that ultimately resulted in the  
18 recommendation of a primary route and an alternative  
19 route, correct?

20 A. Yes, that is correct.

21 Q. As far as your environmental impact  
22 analysis goes, are you able to quantify the value of

1       the impact, the environmental impact on one route  
2       versus the other?

3             A.     And can you help me understand what you  
4       mean by value?

5             Q.     Yes; place a monetary figure on your  
6       environmental impact analysis.

7             A.     No.   Again, I previously stated that I had  
8       no involvement in developing the estimated cost of  
9       the project.

10            Q.     I'm not talking about the estimated cost of  
11       the project.   I'm talking about the environmental  
12       assessment.

13                    When you are analyzing particular  
14       routes for the environmental impact, you made choices  
15       or tradeoffs, correct?

16            A.     We characterized the routes, the features  
17       that occur along the different route alternatives  
18       that we studied, and we made distinctions of those  
19       routes based on types of impact that could occur.

20                    We did not, because the project has  
21       not been designed, we did not get into exact values  
22       in terms of acres of occurrences as an example of any

1 particular type of impact and, no, we did not try to  
2 assess any value relative to any particular  
3 environmental impact.

4 Q. When were you retained by ATXI for the  
5 Illinois Rivers Project?

6 A. In February of 2012.

7 Q. Is that when you started working on the  
8 project?

9 A. That is when we started working on it,  
10 correct.

11 Q. It being the Illinois Rivers Project?

12 A. Correct.

13 Q. Did ATXI or anyone from Ameren come to you  
14 in advance of February 12 to let you know this was a  
15 possible project in the works?

16 A. No.

17 Q. You were retained in part to provide expert  
18 testimony on behalf of ATXI, correct?

19 A. Yes, that is correct.

20 Q. How are you compensated for your services?

21 A. It's based on time and materials for the  
22 hours that are spent supporting the project in

1 various capacities.

2 Q. And what is your hourly rate?

3 MR. FITZHENRY: Is that a confidential part?

4 MR. WHITT: Well, I don't know that the hourly  
5 rate is confidential, but if we get into total levels  
6 of compensation and so forth, I think we are getting  
7 into...

8 MR. FITZHENRY: Well, the hourly rate might be.

9 MR. KALB: Well, Your Honor, I understand that  
10 this witness is being tendered as an expert on behalf  
11 of ATXI. In her role as an expert, I believe the  
12 rate paid to this expert is relevant for establishing  
13 possible bias or credibility in the event of  
14 inconsistent testimony in any of these proceedings or  
15 against any other direct testimony filed.

16 MR. WHITT: Your Honor, may I confer with the  
17 witness, only because it potentially pertains to a  
18 matter of privilege. Our issue is not going to be  
19 disclosure. It's whether we need to go into  
20 confidential session to make that disclosure.

21 JUDGE YODER: Why don't you discuss that.

22 (Pause )



1           MR. WHITT: Your Honor, I believe that in  
2           response to data requests, we have previously  
3           produced a copy of a consultant's contract with the  
4           company. We don't have an issue making that public,  
5           but the specific hourly rates of her firm and the  
6           budget given to the company is considered  
7           confidential, so I would ask, you know,  
8           perhaps...well, I'm not going to tell counsel how to  
9           conduct his examination. We could get into those  
10          specific figures later when it's convenient to do so  
11          in a closed session and continue now on public  
12          matters.

13          MR. KALB: That's fine with me, Your Honor.

14          JUDGE YODER: Okay. Thank you.

15          MR. KALB: So just for the record as it relates  
16          to matters relating to compensation, my only  
17          questions will be how is this witness compensated and  
18          how much is the total compensation for the services,  
19          which we can bring up later.

20                   Any objections to that being brought  
21          up later? I just wanted to let you know what the  
22          topic is.

1 MR. WHITT: Sure, but the disclosure of the  
2 final figure, we can do that now provided it's in  
3 confidential session.

4 MR. FITZHENRY: In camera.

5 MR. WHITT: In camera.

6 MR. KALB: Yeah, we can do that later. I don't  
7 need to do that now. I can go into public matters.  
8 I just wanted to give you notice of what the scope of  
9 my examination was going to be in that respect.

10 Moving on.

11 Q. ATXI has retained you to perform services  
12 for other projects, correct?

13 A. That is correct, yes.

14 Q. And how many other projects have you  
15 performed for ATXI?

16 A. Six other projects to date.

17 Q. Did you provide siting recommendations for  
18 those projects?

19 A. Yes, I did.

20 Q. Did you use the same what I call  
21 three-phase methodology as you did in this case and  
22 those other cases?

1           A.    Yes, we did.

2           Q.    Did the previous projects, the previous six  
3 projects that you were involved with result in the  
4 siting recommendations being filed with the  
5 Commission?

6           A.    That is correct, yes.

7           Q.    In the previous cases, did the Commission  
8 issue a certificate based on your original siting  
9 recommendations?

10          A.    In each of those cases, yes.

11          Q.    The Commission did not make any  
12 modifications to your siting recommendations in those  
13 other cases?

14          A.    They may have made modifications to routes  
15 but routes that were approved or routes that were  
16 proposed by ATXI or, excuse me, Ameren Illinois  
17 Company in each of those cases.

18          Q.    Referring to your methodology, you use a  
19 three milestone process in the decision-making to  
20 select a route, correct?

21          A.    That is correct, yes.

22          Q.    And your methodology is contained in your

1       siting study summary, is that right?

2           A.    Uh-huh.

3           Q.    Is that a yes?

4           A.    And it's described in both 4.3 as you're  
5       referring to.  It's also discussed in Exhibit 4.0, my  
6       direct testimony.

7           Q.    What is the purpose of the methodology you  
8       use?

9           A.    What do you mean by what is the purpose?

10          Q.    Well, you have a three-phase methodology in  
11       order to develop a site proposal, correct?

12          A.    It's a three-phase approach to identifying  
13       routes and evaluate those routes but also allow for  
14       the incorporation of public input and consideration  
15       of other non-environmental routing factors.

16          Q.    Would you agree that your methodology is  
17       intended to balance the needs and concerns of ATXI  
18       with stakeholders?

19          A.    I think that's a fair assessment.

20          Q.    And you involve stakeholders in your  
21       three-phase milestone approach, correct?

22          A.    By stakeholders, I assume you're referring

1 to individuals such as elected officials or agency  
2 representatives or what have you, but we also engage  
3 landowners and the general public as well.

4 Q. So property owners fall within your  
5 definition of stakeholder?

6 A. Not necessarily, no.

7 Q. Did property owners along the proposed  
8 opportunity corridors fall within your definition of  
9 stakeholder?

10 A. Again, stakeholders as we've defined it, I  
11 refer you to 4.0 and also 4.3, we've used the term  
12 stakeholders to characterize individuals that  
13 represent some constituency that you would find  
14 within the general public.

15 Landowners are separately invited to  
16 participate in public open houses.

17 Q. Okay. So just so I'm clear on the  
18 definition as it's used throughout your direct  
19 testimony and site summary, the term stakeholder does  
20 not include the private property owners, correct?

21 A. Yes, that is correct. Stakeholders  
22 represent in some capacity or another the landowners

1       that are affected by these types of projects.

2           Q.     Right.  For instance, as it relates to  
3     Adams Count, the transmission line proposed by ATXI,  
4     the primary and alternative, goes through some  
5     farmland.  Would you agree with that?

6           A.     The entire project extends across farmland.

7           Q.     I'm only representing ACPO and Louise  
8     Brock-Jones partnership, and in those instances, you  
9     would agree that there's some farmland that's crossed  
10    by the primary alternate route, correct?

11          A.     Yes, I would agree with that.

12          Q.     And do you consider the farmers within the  
13    definition of stakeholder?

14          A.     No.  Again, stakeholders would include  
15    elected officials, agency representatives, farm  
16    bureau representatives, representatives on behalf of  
17    the irrigation and drainage districts or what have  
18    you.  That's just a number of examples.

19                 Those individuals, however, tend to  
20    represent entities such as farmers or property  
21    owners.  Irrigation drainage ditch is actually one  
22    good example.

1           Q.    So I don't misinterpret or create the wrong  
2           inference from your answer, if you'd just answer yes  
3           or no, the individual property owners are not  
4           included within your definition of stakeholder,  
5           correct?

6           A.    That is correct.

7           Q.    How much weight do you assign stakeholder  
8           opinions in the routing decision process?

9           A.    Our approach does not involve assigning any  
10          weight to any factor.

11          Q.    You just give it consideration when it  
12          comes to your actual routing process, correct?

13          A.    It's a balance of tradeoffs; tradeoffs  
14          being impacts that may occur relative to any routes,  
15          input that was received relative to the criteria that  
16          we took into consideration are two examples.

17          Q.    So for example, if the stakeholders that  
18          attended meetings or that you named in this instance  
19          unanimously decided that farmland should be avoided  
20          at all costs, that would not be something that in  
21          your environmental impact analysis you could avoid,  
22          correct? In that instance, stakeholders would not

1 necessarily play a large part in your recommendation?

2 A. No. I don't agree with your  
3 characterization. We included agricultural use areas  
4 such as farmland in our list of environmental routing  
5 considerations, and we asked stakeholders as well as  
6 members of the public at the public open houses to  
7 help us understand which environmental routing  
8 considerations were more or less sensitive to them.

9 Q. Right. But if the stakeholder assigned a  
10 certain level of sensitivity, for example, farmland,  
11 you wouldn't be able to avoid your routing of this  
12 project to eliminate farmland from the routing,  
13 correct?

14 A. That is correct. There's really no way to  
15 route this project from the Missouri-Illinois state  
16 line to the Indiana-Illinois state line without  
17 affecting farmland.

18 Q. Right. So you give consideration to  
19 stakeholder concerns, but ultimately, it's in ATXI's  
20 discretion on the proper route, correct?

21 A. It's a balance of tradeoffs as I had  
22 previously mentioned.



1           Q.    But ultimately, the final decision on  
2           whatever route you go with is up to ATXI, correct?

3           A.    In part, yes.  I can point to examples  
4           where we receive direct input from landowners even at  
5           the third round of public meetings, and we adjusted  
6           our routes to address the comments and input that we  
7           received and how we characterize the priority of  
8           sensitivities was based directly on the input we  
9           received from stakeholders and landowners who  
10          participated in the public process.

11          Q.    So there are instances throughout the  
12          public process where you are able to accommodate a  
13          stakeholder, correct?

14          A.    Stakeholders and landowners both.

15          Q.    And there were instances where ATXI and  
16          yourself were unable to accommodate a stakeholder or  
17          property owner, correct?

18          A.    That is true.

19          Q.    And ultimately, the decision on whether to  
20          accommodate or not accommodate the stakeholder or  
21          property owner is in ATXI's discretion, correct?

22          A.    Correct, based on whatever the

1       considerations are relative to that particular  
2       property or that area of interest.

3               Q.     And you and ATXI are the ones who assign  
4       the proper amount of weight to those considerations,  
5       correct?

6               A.     Again, we didn't assign weight to any of  
7       our considerations.  It really was a balance of  
8       tradeoffs.

9               Q.     And ultimately, you decide which tradeoff  
10      is appropriate for ATXI's interest, correct?

11              A.     That is correct.

12              Q.     Do you have the site summary in front of  
13      you, ma'am?  It's Exhibit 4.3.

14              A.     Yes, I do.

15              Q.     If I understand the methodology, you  
16      analyzed opportunities and sensitivities in your  
17      environmental impact analysis, is that correct?

18              A.     That is correct, yes.

19              Q.     And if I understand, opportunities are  
20      corridors with potential for sharing right-of-way or  
21      running alongside existing facilities, correct?

22              A.     That is correct, yes.

1           Q.    So it's advantageous to find a corridor  
2           with a potential for sharing a right-of-way, correct?

3           A.    In some cases.  The advantages and  
4           disadvantages of any type of opportunity or linear  
5           feature is based on the sensitivities of features  
6           that are occurring along that linear feature or  
7           opportunity.

8           Q.    If I understand it, you first identify  
9           opportunities and then you identify sensitivities and  
10          then try to make a decision based on merging the two  
11          or excluding one or the other?

12          A.    How we approach the routing process is to  
13          identify types of opportunities as well as  
14          environmental routing considerations that we took  
15          into account and then to overlay the information or  
16          the data that pertains to both of those features and  
17          then try to understand what the tradeoffs may be to  
18          look for those opportunities that, in fact, allow for  
19          lesser potential for impact to the features occurring  
20          along them.

21          Q.    And you would agree that an advantageous  
22          siting opportunity are corridors with the potential

1       for sharing right-of-way for running alongside  
2       existing facilities, correct?

3           A.    Yes, I would agree with that.

4           Q.    And you would include in your definition of  
5       existing facilities transmission lines, correct?

6           A.    Yes, I would.

7           Q.    And you also include in your  
8       characterization of opportunities section lines,  
9       property lines, and field lines, correct?

10          A.    Yes, that's correct.

11          Q.    And if I understand further, these features  
12       are characterized as opportunities in that they may  
13       be advantageous or more compatible for parallel  
14       co-location of a new transmission line, correct?

15          A.    I would refer you to the definition of  
16       opportunities as it was provided in either 4.3 or  
17       4.0.

18          Q.    Well, can I refer you to the direct  
19       testimony, page 6 of 46, ATXI's Exhibit 4.0?

20          A.    I'm sorry. You said page 6?

21          Q.    Yes, ma'am. And I'm referring you to line  
22       116.

1           A.    Okay.

2           Q.    Didn't you state -- I'm sorry.  I'm going  
3   to correct that.  Line 117.

4           A.    Okay.

5           Q.    You included the features of the  
6   opportunities are characterized as opportunities in  
7   that they may be advantageous or more compatible for  
8   parallel co-location of a new transmission line,  
9   correct?

10          A.    Yes, that is correct.

11          Q.    And then you say in simplest form, like  
12   features by like features, correct?

13          A.    Right.

14          Q.    And when you say like features by like  
15   features, are you saying that the feature that -- the  
16   first feature you're referring to is the transmission  
17   line that's being proposed, correct?

18          A.    No.  I think what I'm inferring there is  
19   that existing linear features, whether it be existing  
20   transmission lines or their associated rights-of-way  
21   or property lines or field lines, various types of  
22   opportunities that because they are linear in nature

1       and we are talking about a new linear feature that,  
2       again, in simplest form, you're talking about routing  
3       a new linear feature along existing linear features;  
4       hence, the inference of like features by like  
5       features.

6           Q.    The linear feature we're dealing with here  
7       is the transmission line, correct?

8           A.    The proposed feature, that is correct.

9           Q.    And you would like to put that next to a  
10       similar feature such as another transmission line,  
11       correct?

12          A.    Or a property line, a field line, a  
13       roadway. The proposed routes parallel all types of  
14       opportunities.

15          Q.    Right. And you would agree that a property  
16       line or a section line is not as like to the proposed  
17       linear feature as an existing transmission line,  
18       correct?

19          A.    Not necessarily, again, because the  
20       advantages or disadvantages of any type of  
21       opportunity is largely based on the sensitivities or  
22       the features that occur along those opportunities, so

1       it's not as simple as saying that one particular  
2       opportunity supersedes all others in all cases.

3           Q.     I'm not saying supersedes in all cases.  
4       I'm just saying when we're looking at opportunities  
5       in the simplest form, we're looking at like features  
6       next to like features, correct?

7           A.     In the most simplest form.

8           Q.     Yes.   And the word we're looking at here is  
9       inclusion of a linear feature of a transmission line,  
10      correct?

11          A.     That is correct, yes.

12          Q.     And the feature that's most like the  
13      transmission line that we're proposing is another  
14      transmission line, correct?

15          A.     I would agree with that characterization.

16          Q.     Okay.   Thanks.

17                   So the next thing that you look at is  
18      sensitivities, correct?

19          A.     Uh-huh, yes.

20          Q.     And you elicited feedback from public  
21      meetings to determine sensitivities, is that right?

22          A.     That is correct.   We asked the stakeholders

1       that attended the community representative forum  
2       meetings as well as members of the public who  
3       attended the public open houses to look at the  
4       initial list of environmental sensitivities and let  
5       us know if they had any recommendations as to any  
6       additional factors that should be taken into account  
7       and also to understand of that listed criteria which  
8       was more or less sensitive to them.

9           Q.     And during the public meetings, did you  
10       invite just stakeholders or members of the public in  
11       general?

12          A.     There were two types of public meetings.  
13       We conducted community representative forum meetings  
14       where stakeholders were invited to attend. We also  
15       conducted public open houses where members of the  
16       public and stakeholders were invited to attend.

17          Q.     In which of the meetings were the  
18       sensitivities evaluated?

19          A.     By evaluated, I assume you mean introduced  
20       and discussed?

21          Q.     Yes, ma'am.

22          A.     In both types of meetings.



1           Q.    So you elicited from the public meetings  
2           the individual private landowners' sensitivities for  
3           this project, correct?

4           A.    I'm sorry.  Can you restate that?

5           Q.    In the public meetings in which the public  
6           in general were invited, including property owners  
7           and farmers, you elicited their sensitivities during  
8           those meetings and took them into account when  
9           determining your environmental impact analysis,  
10          correct?

11          A.    Yes, that is correct.

12          Q.    And prime farmland was identified as a  
13          highly sensitive area, correct?

14          A.    Give me one moment.

15          Q.    I'm referring to ATXI Exhibit 4.3, page 7  
16          of 12.

17          A.    Yes, I'm looking at the same page.  That is  
18          correct.

19          Q.    Okay.  In this list of sensitivities that  
20          you have in table 1 of 4.3 is the analysis of the  
21          sensitivities as a result of the public feedback,  
22          correct?

1           A.    I wouldn't characterize it as the analysis.  
2           Again, it's how they were categorized based on input  
3           we received from stakeholders and members of the  
4           public.

5           Q.    But ATXI did not contribute to this table?

6           A.    In the categorization of the criteria?

7           Q.    Yes.

8           A.    No.

9           Q.    So, for example, prime farmland is denoted  
10          as highly sensitive.  ATXI did not participate or  
11          include its analysis into this designation of  
12          sensitivity for prime property, correct?

13          A.    That is correct, yes.

14          Q.    And so it true that during Phase 1, you  
15          were looking to gather information from the public as  
16          it relates to opportunities and sensitivities; is  
17          that fair?

18          A.    That is correct, yes.

19          Q.    And then you take that information back  
20          with you and evaluate potential corridors keeping in  
21          mind the sensitivities identified by the stakeholders  
22          and the public in general, correct?

1           A.    Yes, that is correct, and the  
2           categorization of the prioritization of the  
3           sensitivities that are listed on page 7 of 12 of ATXI  
4           Exhibit 4.3, that prioritization comes into play when  
5           we have two route alternatives or two corridors that  
6           are being evaluated and they are otherwise  
7           comparable, and we need some type of a tiebreaker,  
8           and when we have those instances where a tiebreaker  
9           is needed, we then take a look at the priority of the  
10          sensitivities that occur along those two corridors or  
11          those two route alternatives.

12          Q.    If you'd turn to page 8 of 12 of  
13          Exhibit 4.3.

14          A.    Okay.

15          Q.    Do you see a figure 2, Phase 2 exercises?

16          A.    I do.

17          Q.    I'm sorry.  It's actually titled Phase 2  
18          exercise results--preferences for paralleling linear  
19          features, is that correct?

20          A.    That is correct.

21          Q.    So this table, is this created after Phase  
22          2 or going into Phase 2?

1           A.    This was the results of the Phase 2 public  
2 meetings.

3           Q.    Okay.  And if I understand it, the results  
4 for Figure 2 is that agricultural use areas, existing  
5 residences and cultural resources were sensitivities  
6 that were given a high percentage of consideration by  
7 private landowners and stakeholders?

8           A.    I would agree with you that agricultural  
9 use areas and existing residences were identified as  
10 having higher percentages, but the graphic was  
11 inadvertently cut off, and the other criteria that is  
12 not listed there, that pertains to the six percent  
13 that you see in that figure is wooded areas.

14          Q.    Okay.  So the six percent that we're  
15 referring to is the pie colored maroon.  Would you  
16 agree with that?

17          A.    I would agree, yes.

18          Q.    Okay.  And you said that should be  
19 designated as what?

20          A.    That corresponds to wooded areas.

21          Q.    So agricultural areas and existing  
22 residences were considerably more sensitive to the

1 people you spoke to than the other items. Would you  
2 agree with that?

3 A. Yes, and the results of the Phase 2  
4 exercise were consistent with the results of the  
5 Phase 1 exercise.

6 Q. Okay. And then if we look at the Figure 3  
7 Phase 2 exercise results, areas most sensitive, the  
8 percentage for 57 percent is routing along roads, is  
9 that correct?

10 A. That is correct.

11 Q. And then the second for the highest  
12 percentage is routing along property lines and  
13 section lines, is that right?

14 A. That is correct.

15 Q. Okay. So from this analysis, would it be  
16 fair to conclude that the people you spoke to or got  
17 any feedback as it relates to the routing analysis  
18 would prefer that the routes stay away from  
19 agricultural use areas and existing residences and  
20 instead be routed along roads? Is that how I  
21 understand this?

22 A. That's a fair characterization and the

1 consensus.

2 Q. And it's unrealistic to believe that this  
3 project could be routed entirely away from  
4 agricultural use areas, is that right?

5 A. That is true, and I'd also point out that  
6 this is kind of a classic example if you've got any  
7 inherent conflict where we've got one exercise that  
8 identifies that existing residences are highly  
9 sensitive and yet we've got a majority preference to  
10 route along roads in the rural area and follow the  
11 curve along roads. So it really kind of goes to that  
12 notion of balances and tradeoffs.

13 Q. Right. If I understand the table, the  
14 routing along roads and routing along property lines  
15 are opportunities while the sensitivities are  
16 agricultural use areas and existing residences, is  
17 that right?

18 A. There would not be normal sensitivities  
19 that occur along those linear features, no.

20 Q. That's certainly fair. I'm saying just the  
21 percentages given to these tables, that the highest  
22 percentages are the sensitivities of agricultural use

1 areas and the existing residences. Would you agree  
2 with that?

3 A. I would agree with that.

4 Q. Okay. And so the public would want ATXI in  
5 this instance to route the transmission line along  
6 existing roads and away from existing use areas,  
7 agricultural use areas and existing residences.  
8 That's the public's opinion, correct?

9 A. I think based on the results of the  
10 exercises, you are correct in that those are the two  
11 primary areas that are most sensitive to those who  
12 participated in the process, and routing along roads  
13 was the majority preference as an opportunity to be  
14 parallel, but again, the strength of any type of  
15 opportunity is absolutely dependent on features that  
16 occur along that opportunity.

17 Q. Ma'am, I'm going to refer you to ACPO  
18 Murphy Cross Exhibit 1.

19 A. Yes.

20 Q. Do you see that, ma'am?

21 A. Yes, I do.

22 Q. Are you familiar with this document?

1 A. Yes, I am.

2 Q. Who created this documents?

3 A. ERM prepared this document.

4 Q. And for the record, I displayed this  
5 document on the projector, correct?

6 A. Yes, you have.

7 Q. All right. And I will call you next to  
8 ACPO Murphy Cross Exhibit 2.

9 Are you familiar with this document,  
10 ma'am?

11 A. Yes.

12 Q. And eliminating my markings of A, B and C  
13 did you create this document?

14 A. ERM prepared this document, that is  
15 correct.

16 Q. And the same is true with ACPO Murphy Cross  
17 Exhibit 3. Are you familiar with this document?

18 A. Yes, I am.

19 Q. Did ERM prepare this document?

20 A. Yes, we did.

21 Q. And the same applies to ACPO Murphy Cross  
22 Exhibit 4? Did ERN prepare this document?



1           A.    Yes, we did.

2           Q.    And ACPO Murphy Cross Exhibit 5, did ERM  
3   prepare this document?

4           A.    Yes, we did.

5           Q.    When ATXI filed this petition they  
6   recommended two routes, a primary route and an  
7   alternative route, correct?

8           A.    Yes.  We're required to identify a primary  
9   and at least one alternative.

10          Q.    And since ATXI filed its petition  
11   recommending a primary route or an alternate route,  
12   it's refined some of its routes, correct?  It  
13   modified the routes?

14          A.    We've modified it in one area.

15          Q.    Okay.  Well, in reference to the Quincy to  
16   Meredosia route, your testimony is that the rebuttal  
17   recommended route is a hybrid route, correct,  
18   utilizing the primary route and the alternate route?

19          A.    Correct.  It's a portion of ATXI's proposed  
20   primary and a portion of ATXI's proposed alternate,  
21   and either portion has been modified.

22          Q.    And what ATXI now is promoting as its,

1 well, its recommended route to the Commission is  
2 different from what it recommended as its primary  
3 route when it filed its petition, correct?

4 A. Yes, that is correct.

5 Q. Okay. And to call your attention to ACPO  
6 Murphy Cross Exhibit 1, is this a diagram of the  
7 primary route and alternative route from Quincy to  
8 Meredosia?

9 A. Yes, it is.

10 Q. Okay. And the rebuttal recommended route,  
11 or if I call it the hybrid route, would you  
12 understand what I'm referring to?

13 A. Yes, I would.

14 Q. And that hybrid route follows from Quincy  
15 south on 172, and then it cuts due east and then cuts  
16 south and hooks up to the primary route and then  
17 connects due east all the way to Meredosia, correct?

18 A. Not quite how you drew it.

19 We follow the alternate route from the  
20 Quincy area to the east, but where that alternate  
21 route interconnects with the primary route the  
22 rebuttal recommended route still recommends the

1       primary route from that point to the Meredosia  
2       substation.

3           Q.    Well, let's be clear on that point.  If you  
4       page down, do you see highway 172 on that map?  And  
5       it may be clear on your own map.

6           A.    Yes, I do.

7           Q.    Okay.  And there's a point along Highway  
8       172 where the primary route continues due south and  
9       the alternate route connects due east, correct?

10          A.    That is correct, yes.

11          Q.    And ACPO Murphy Cross Exhibit 2 shows the  
12       overlap of the primary route and the alternative  
13       route, correct?

14          A.    By overlap, do you mean they intersect?

15          Q.    Yes, they intersect.

16          A.    Yes.

17          Q.    And at that intersect, the rebuttal  
18       recommended route follows the yellow or orangish line  
19       due east, correct?

20          A.    That is correct, yes.

21          Q.    Okay.  I was concerned that we were working  
22       on two different maps.

1                   You did your environmental impact  
2           analysis on both the alternate route and the primary  
3           route, correct?

4           A.     The route setting analysis, I mean, the  
5           primary and the alternate routes were an outcome of a  
6           very comprehensive routing study. We evaluated  
7           numerous potential route alternatives.

8                   If I could point you to ATXI  
9           Exhibit 4.6, we evaluated multiple route alternatives  
10          throughout every portion of the project.

11          Q.     And you pointed me to which table?

12          A.     ATXI Exhibit 4.6 provides a series of maps  
13          of potential route alternatives that were evaluated  
14          and presented to the public during the second round  
15          of public meetings.

16          Q.     At that point in time when you're  
17          evaluating all of the possibilities for routing, do  
18          you drive those other routes at that time or how do  
19          you evaluate those particular routes, the ones that  
20          you're trying to reduce or exclude to come up with  
21          the two that you choose?

22          A.     It would be a desktop assessment, and also,

1       we did, to the extent that we had a direct line of  
2       sight or access to the various route alternatives  
3       from the nearby or adjacent public rights-of-way, we  
4       did look at those routes.

5               We also evaluated the proposed routes  
6       via helicopter reconnaissance.

7               Q.    As it relates to the line from Quincy to  
8       Meredosia, do you know if you were able to drive the  
9       other routes that were considered?

10              A.    Not in all cases because not all portions  
11       of these routes follow existing public rights-of-way.

12              JUDGE YODER:   Can I ask how much more cross you  
13       have?

14              MR. KALB:   Probably 15, 20 minutes.

15              JUDGE YODER:   Okay.   So your estimate was shot.

16              MR. KALB:   Yes.

17              JUDGE YODER:   I see.   Okay.

18              Q.    BY MR. KALB:   Ma'am, do you see what I've  
19       marked as A on the ACPO Cross Exhibit 2?

20              A.    Yes, I do.

21              Q.    Do you know what facility is circled?

22              A.    I believe that is an existing dairy farm.

1           Q.    Okay.  And do you know how far the proposed  
2           centerline of the transmission line is away from the  
3           farm?

4           A.    No, I couldn't tell you how far it will be,  
5           but what's reflected on this map is that the  
6           alternate route or what is now referred to as the  
7           rebuttal recommended route is intended to be on the  
8           south side of the road on the south side of that  
9           dairy farm, but because the route has not been  
10          approved and subsequently designed, I couldn't tell  
11          you how far away it may or may not be ultimately from  
12          that dairy farm.

13          Q.    And let me call your attention to ACPO  
14          Murphy Cross Exhibit 6.

15          A.    Yes.

16          Q.    Are you familiar with this document?

17          A.    Yes, I am.

18          Q.    And you produced this in response to a data  
19          request, correct?

20          A.    That is correct.

21          Q.    And ACPO Cross Exhibit 6 references a  
22          partially acquired unoccupied corridor, is that

1 right?

2 A. Yes.

3 Q. And what is a partially acquired unoccupied  
4 corridor?

5 A. In this particular instance, this is a,  
6 I'll use the term corridor very loosely because it's  
7 not an end-to-end corridor per se. This is in an  
8 area where easements have been attained around this  
9 general linear alignment for lack of a better term.

10 Q. Were those easements attained for purposes  
11 of constructing a transmission line?

12 A. I would have to make an assumption, but I  
13 was not responsible for obtaining those easements.

14 Q. Do you know the width of those easements?

15 A. I do not know the width of any of the  
16 easements that occur in that area. It's just  
17 generally my understanding that they are not 150 feet  
18 which is the right-of-way required for this  
19 particular project.

20 Q. Do you know what percentage of the  
21 partially acquired unoccupied corridor has been  
22 attained as easements?

1           A.    I don't know the exact percentage, but it's  
2           my understanding that it's less than 50 percent of  
3           the general corridor.

4           Q.    Do you know what entity obtained those  
5           easements?

6           A.    I'm sorry?

7           Q.    Do you know what entity obtained those  
8           easements?

9           A.    I do not know.

10          Q.    And you're aware that ACPO alternative  
11          Route 1 corresponds with the 138 kV line easement,  
12          correct? And I'll point to it right here.

13          A.    Yes, I am aware of that.

14          Q.    Do you know how wide that easement is?

15          A.    I do not.

16          Q.    If you did know how wide that easement was,  
17          would it change your analysis as far as the proposed  
18          routes you recommend?

19          A.    No, it would not, and the reason being is  
20          that we actually looked at a route alternative that  
21          generally paralleled at least a portion of what is  
22          marked as a partially acquired unoccupied corridor on



1 ACPO Murphy Cross Exhibit 6. We removed that  
2 corridor or that route alternative from consideration  
3 because it crosses over an existing residential area  
4 and would actually require the displacement of at  
5 least six assumed residences, so we very early in the  
6 process removed that route alternative as a viable  
7 option.

8 Q. We'll get to the displacement in just one  
9 moment.

10 And I take it that as it relates to  
11 one route versus the other, there's no comparative  
12 valuation from an environmental impact analysis,  
13 correct, as far as how to monetize it one to the  
14 other from an environmental point of view?

15 A. Which routes are you referring to?

16 Q. ACPO Route 1 versus the hybrid route.

17 A. No. Again, we did not assign any monetary  
18 value to any of the environmental impacts along any  
19 route.

20 Q. You reference that there were some  
21 residences that may have to be displaced because of  
22 ACPO's recommended route, is that correct?

1           A.     That is correct, yes.

2           Q.     And is ACPO Murphy Cross Exhibit 8 a map  
3     showing the transmission line in relation to a home  
4     that may be displaced?

5           A.     Not necessarily because you can see on that  
6     exhibit that there appears to be an opportunity that  
7     the route could be located sufficiently north of that  
8     existing residence.

9           Q.     Okay. And as you said, the final detailed  
10    analysis has not -- strike that. The final detailed  
11    engineering has not been done so we don't know  
12    exactly where these lines are actually going to be  
13    placed, correct?

14          A.     That is true, yes.

15          Q.     So we don't know for sure if someone is  
16    going to have to be displaced, correct?

17          A.     Not necessarily, but again, with reference  
18    to ACPO Route 1 which I believe you stated that it  
19    would potentially make use of the partially acquired  
20    unoccupied corridor and recognizing where that  
21    corridor falls, it does traverse existing residences.  
22    It goes right over existing residences.

1           Q.    But you would agree that it's possible for  
2           the ATXI engineers to propose an easement that would  
3           avoid displacement, correct?

4           A.    I think that's fair to say in almost any  
5           instance of routes, other routes that you've  
6           identified, but I would add, however, that the  
7           rebuttal recommended route would not involve this,  
8           which is the only issue.

9           Q.    Ma'am, I'll call your attention to ACPO  
10          Murphy Cross Exhibit 9.

11          A.    Okay.

12          Q.    The green line reflected there is the  
13          existing 138 kV line, is that right?

14          A.    That is correct, yes.

15          Q.    And that existing 138 kV line goes right  
16          over a residence, is that right?

17          A.    As it's drawn, but I couldn't attest to the  
18          accuracy of where that existing line actually occurs.

19          Q.    Okay.  So you don't know whether or not the  
20          existing 138 kV line goes over residences as it  
21          relates to ACPO Murphy Cross Exhibit 9, correct?

22          A.    That is correct.

1           Q.    I mean, the maps that you showed me have  
2           the 138 kV line going over homes, and I was asking  
3           does the 138 kV line go over homes as it currently  
4           exists?

5           A.    Well, you're talking about a map versus  
6           what is actually true and accurate on the ground.

7           Q.    Okay.

8           A.    And looking at this particular map, it  
9           appears that that green line goes right over the top  
10          of homes, but there very well is...that line is  
11          likely not in that exact location. I couldn't tell  
12          you for sure.

13          Q.    Okay. These maps may not accurately depict  
14          where the 138 kV line is, correct?

15          A.    That is true.

16          Q.    And it may not accurately depict where the  
17          proposed 345 kV line is going to go, correct?

18          A.    Well, right, right, because the route has  
19          not been approved or assigned.

20          Q.    Right. Got it.

21                       And you prepared ACPO Murphy Cross  
22          Exhibit 8, correct?

1           A.    I personally did not prepare this map, but  
2           it was prepared under my supervision.

3           Q.    Okay.  And you did the same for ACPO Murphy  
4           Cross Exhibit 9, correct?

5           A.    That is correct.

6           Q.    And you did the same for ACPO Murphy Cross  
7           Exhibit 10, correct?

8           A.    That is correct.

9           Q.    Did you drive the route to verify that  
10          these dwellings that you referred to as being  
11          displaced are actually occupied?

12          A.    We conservatively assumed that any building  
13          that appeared to be a residence was, in fact, an  
14          occupied residence.  We felt it was more appropriate  
15          to err on the side of caution.

16                   We were not able to access all  
17          residences or what appeared to be residential  
18          buildings along any of the routes.

19          Q.    But the homes that you purport to be  
20          residences that may be displaced through ACPO's  
21          routing you didn't go verify on the ground, did you?

22          A.    Verify that they were occupied?

1 Q. Yes.

2 A. We did not, no.

3 MR. KALB: Thank you, ma'am.

4 JUDGE YODER: It appears the Cities of  
5 Champaign and Savoy waive cross, is that correct?

6 MR. STURTEVANT: That is correct, Your Honor.

7 MR. KALB: Your Honor, I would like to move for  
8 the entry into the record of ACPO Murphy Cross  
9 Exhibit 1 through ACPO Murphy Cross Exhibit 10 into  
10 the record.

11 MR. ROBERTSON: It would be helpful, and I have  
12 probably no interest in the exhibits, but it would be  
13 helpful to know what the source of these was or what  
14 they are.

15 Were they provided in response to a  
16 data request?

17 MR. KALB: They were provided to some farmers  
18 at public meetings so I laid the foundation that she  
19 was acquainted with the document.

20 MR. ROBERTSON: Oh, okay. All right. Thank  
21 you.

22 JUDGE YODER: At least 7 through 10 seem to

1       indicate on the face they were responses to data  
2       requests.

3               MR. KALB:   Okay.   I'm sorry.   The maps -- let  
4       me clarify.   I'll go back up.

5                       ACPO 1 through 5 were provided at  
6       public meetings.

7                       6 was a response to a data request,  
8       and so were the remainder 7, 8, 9, and 10.

9               JUDGE YODER:   All right.   Any objection to the  
10       admission of ACPO Murphy Cross Exhibits 1 through 10?

11               MR. WHITT:   No objection, but I would just want  
12       the record to reflect that I believe at least one of  
13       the exhibits had circles on it that were drawn by  
14       counsel.

15               MR. KALB:   That's certainly true.   ACPO Murphy  
16       Cross Exhibit 2, there's three markings drawn by me.

17               JUDGE YODER:   We'll reflect those were not  
18       drawn by Ameren or its employee, people in its  
19       employee.   It was drawn by ACPO.

20               MR. KALB:   That's right.

21               JUDGE YODER:   Okay.   Those will be admitted  
22       into evidence in this docket.

1 (Whereupon ACPO Murphy Cross  
2 Exhibits 1 through 10 were  
3 admitted into evidence at this  
4 time.)

5 JUDGE YODER: And, Mr. Kalb, you will provide  
6 those in an e-mail to the parties later today or  
7 tomorrow?

8 MR. KALB: Yes.

9 JUDGE YODER: Okay. Thank you.

10 Does anybody think they can get cross  
11 done before we break for lunch?

12 I note next is Coalition of Property  
13 Owners, Interested Parties in Piatt, Douglas and  
14 Moultrie about 45 minutes.

15 MR. WILKE: I think I have 30, 45 minutes.

16 JUDGE YODER: Okay. We can break now for lunch  
17 and come back at 1:15 if the parties want to keep  
18 going in order.

19 If that's the parties' request, then  
20 we'll break now for lunch and return back at 1:15.

21 (Whereupon the lunch recess was  
22 taken at this point.)



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AFTERNOON SESSION

JUDGE YODER: Ms. Murphy, you're still under oath.

I believe the Coalition of Property Owners and Interested Parties in Piatt, Douglas and Moultrie Counties are the next ones who have reserved cross.

MS. BURNS: Your Honor, our attorney was here. I think he was expecting to be scheduled at 1:15.

JUDGE YODER: I am early, aren't I? Okay. We'll stay off the record for five minutes.

(Off the record)

JUDGE YODER: Back on the record.

We have reserved cross for the Coalition of Property Owners in Piatt, Douglas and Moultrie Counties, and you're still under oath.

MR. WILKE: Thank you. My name is Kurt Wilke. I represent the Coalition of Property Owners and Interested Parties in Piatt, Douglas and Moultrie Counties.

CROSS-EXAMINATION

BY MR. WILKE:

Q. My questions have to do with the Mt. Zion, Illinois to Kansas segments.

You were here yesterday for the testimony of Mr. Dauphinais and Mr. Reinecke, is that right?

A. For portions of Mr. Reinecke's testimony.

Q. Are you familiar with ATXI's stipulation No. 7 between ATXI and MCPO to recommend MCPO's northern alternate route from Mt. Zion to Kansas?

A. Yes, I am familiar with that.

Q. And so when I refer to MCPO routes, I'm referring to this northern alternate route from Mt. Zion to Kansas that goes up and over Moultrie County.

A. Okay.

Q. You were asked in rebuttal testimony to respond to MCPO's route, that is correct?

A. That is correct.

Q. And if I could have you look at your rebuttal testimony. We're going to be mostly on page

1       53 of Exhibit 13.0.

2           A.    I'm sorry.  Can you repeat the page number?

3           Q.    53.

4           A.    Okay.  Thank you.

5           Q.    And you noted there I believe on line 1148  
6       or thereabouts that the only basis MCPO advanced for  
7       its route was that it would increase geographical  
8       diversity, correct?

9           A.    That is correct.

10          Q.    And you testified that that basis had no  
11       merit because the land use and geography around  
12       MCPO's route was no different than the land use and  
13       geography around ATXI's proposed routes?

14          A.    That is correct.

15          Q.    Do you agree with Mr. Dennis Kramer that  
16       MCPO's route is primarily driven by a need to find a  
17       planning rationale to eliminate any route from  
18       traversing Moultrie County?

19          A.    I don't know that I can characterize what  
20       MCPO's need was for the routes that he identified.

21          Q.    In your planning process, you had no such  
22       objective, whether or not MCPO did, you had no such

1 objective to avoid a particular county, is that  
2 correct?

3 A. That is correct.

4 Q. You were asked in your rebuttal testimony  
5 to identify the viable alternatives for the Mt. Zion  
6 to Kansas segment?

7 A. Can you repeat that? I'm sorry.

8 Q. You were asked in your rebuttal testimony  
9 to identify the viable alternatives for the Mt. Zion  
10 to Kansas segment.

11 A. Yes, that is correct.

12 Q. And what routes did you testify were the  
13 only two viable routes from Mt. Zion to Kansas?

14 A. It is my opinion that the routes proposed  
15 by ATXI in the rebuttal recommended route for that  
16 portion of the project are the only viable routes.

17 I use the term viability in my  
18 rebuttal testimony in that I was trying to infer that  
19 routes proposed by others parties that did not  
20 otherwise allow for any net reduction in potential  
21 for impact or reflect the basis with which ATXI  
22 identified routes meaning they did not reflect public

1 input, and that was basically my use of the term  
2 viability.

3 Q. Okay. I'm going to go through all those  
4 reasons you gave here in a minute.

5 You stated in your testimony that  
6 ATXI's rebuttal recommended route was the ATXI  
7 alternate route, correct?

8 A. That is correct.

9 Q. And it's your testimony that in all cases,  
10 ATXI's rebuttal recommended routes provide for the  
11 least cost outcomes, taking all factors into account?

12 A. I don't know that I can characterize least  
13 cost as being the only basis.

14 Q. Would you turn to page 7 of your testimony?

15 A. Page 7 you said?

16 Q. 7.

17 JUDGE YODER: Direct or rebuttal testimony?

18 MR. WILKE: Her rebuttal testimony.

19 Q. Can you read me the sentence that starts on  
20 line 136?

21 A. Line 136?

22 Q. Yes.

1           A.    Poles along the routes.

2           Q.    No.  I'm on Exhibit 13.0, page 7.

3           A.    Yeah, I have...

4           Q.    The sentence that starts on line 136.

5           A.    In all cases, ATXI's rebuttal recommended  
6           routes provide for the least cost outcomes taking all  
7           factors into account.

8           Q.    So that is a true statement?

9           A.    From the perspective of the least cost  
10          being not just based on dollars and cents, yes.

11          Q.    You were asked by Ameren to provide  
12          testimony in this case why MCPO's route is not  
13          viable, is that right?

14          A.    That is correct.

15          Q.    And you listed a number of reasons why  
16          MCPO's route is not viable?

17          A.    That is correct.

18          Q.    And let's go through those reasons back to  
19          page 53 if you would.

20                       First, you testified that MCPO's route  
21          was not developed with an equal amount of  
22          consideration of routing criteria as was ATXI's route

1       siting analysis, is that correct?

2               A.     That is correct. Based on the analysis  
3       that Mr. Dauphinais and Mr. Reinecke presented in  
4       their direct testimony, I believe they discussed only  
5       the use of six or eight criteria, whereas ATXI's  
6       route analysis was based on a total of 32  
7       environmental routing considerations.

8               Q.     And a second reason you gave that MCPO's  
9       route is not viable is that it was not developed with  
10      as much nonsubjective consideration as ATXI's was. I  
11      think you said that.

12              A.     Yeah. Again, based on the analysis that  
13      they brought forward, it's my understanding that  
14      they, Mr. Dauphinais in particular, had assigned a  
15      subjective ranking or weighing to the criteria that  
16      he did evaluate, whereas ATXI did not.

17              Q.     Can you take a look at page 42. The very  
18      last sentence on that page, Mr. Dauphinais's analysis  
19      contradicts his own statements in that he  
20      subjectively assigned ratings, rates, scores, and  
21      ranks to reach his desired conclusions. Is that what  
22      you testified?

1           A.     That is correct.

2           Q.     And when you use the word subjectively, you  
3     mean as opposed to objectively?

4           A.     That is correct, yes.

5           Q.     What did you mean by his desired  
6     conclusions?

7           A.     It struck me in reading through  
8     Mr. Dauphinais's analysis that he had received routes  
9     or potential routes from Mr. Reinecke.

10          MR. ROBERTSON:   Excuse me.   I'm going to object  
11     to the question and answer on the grounds it calls  
12     for this witness to speculate about what was in  
13     Mr. Dauphinais's mind.   She's not qualified to do  
14     that, and so I would object to the question and move  
15     that the testimony that offers her opinion of  
16     Mr. Dauphinais's mind-set be stricken.

17          MR. WILKE:    I'm simply asking her what she has  
18     already testified to in her direct, to explain what  
19     she has already testified to in her direct testimony.

20          MR. ROBERTSON:   Well, it's become obvious now  
21     that the explanation calls for speculation on the  
22     part of the witness.



1 JUDGE YODER: I'll sustain the objection to the  
2 question as posed.

3 Q. BY MR. WILKE: All right. Let's go back to  
4 page 53.

5 The third reason you gave why MCPO's  
6 route is not viable is that it does not fairly  
7 reflect public input, correct?

8 A. That is correct.

9 Q. And you also elaborate on this point  
10 earlier in your testimony. I think on page 43 you  
11 testified that since MCPO didn't rely on the results  
12 of Ameren's public process, it's unclear how  
13 Mr. Reinecke could say that process was sufficient to  
14 cover MCPO's route?

15 A. That is correct. Again, I believe MCPO  
16 relied on some parts of the public process that was  
17 facilitated by ATXI, but they again also...excuse  
18 me...Mr. Dauphinais is again assigned to subjective  
19 weighing of different criteria.

20 Q. And MCPO didn't have any public process  
21 concerning this?

22 A. I do not believe so.

1           Q.    You testified that landowners along MCPO's  
2           route would not have received direct mail invitation  
3           to open houses as did landowners along your routes,  
4           is that correct?

5           A.    That is correct.  Though we are not  
6           required to send direct mail invitations, we are  
7           required to notice the local newspapers, and we did  
8           notice in the counties that would be affected by  
9           MCPO's route.

10          Q.    I'm asking what you did.  You did send  
11          direct mail invitations to landowners affected by  
12          your routes to participate in the public process?

13          A.    That is correct.  We did that two phases,  
14          for Phases 2 and 3 of our public meetings.

15          Q.    And you heard Mr. Reinecke testify  
16          yesterday that he had no idea how many landowners  
17          were even within the easement area of MCPO's route?

18          MR. ROBERTSON:  Wait a minute.  I think that  
19          mischaracterizes Mr. Reinecke's testimony.

20                   I'll withdraw the objection.

21          JUDGE YODER:  You can answer if you remember  
22          the question.

1           THE WITNESS: I believe when asked the question  
2           he just responded that he did not know.

3           Q.     BY MR. WILKE: Whereas in contrast, you  
4           identified all the affected landowners along your  
5           routes early on and then sent them those individual  
6           invitations to participate?

7           A.     That is correct. Landowners along the  
8           proposed routes also received notice of this  
9           proceeding as well and landowners along intervenors'  
10          proposed routes also received verification of this  
11          proceeding.

12          Q.     By mail?

13          A.     That is my understanding, yes.

14          Q.     Back on page 53, you gave a fourth reason  
15          why MCPO's route is not viable. You stated that  
16          MCPO's route extends outside of the ATXI study area  
17          based on this geographic diversity argument, and that  
18          argument has no merit you previously testified,  
19          correct?

20          A.     That is correct.

21          Q.     Did you hear Mr. Reinecke say anything  
22          yesterday in his testimony that would cause you to

1 change your testimony at this point?

2 A. I don't believe so, no.

3 Q. If you'd go to page 54, I think that is the  
4 fifth and final reason you gave that MCPO's route is  
5 not viable. You stated that MCPO's route may  
6 interfere with the aviation activities at the Tuscola  
7 airport, is that correct?

8 A. That is correct.

9 Q. Just to summarize, Ameren hired you to  
10 develop their routes?

11 A. In part; again, I mean, our responsibility  
12 was to help develop routes from an environmental  
13 perspective but routes are developed with  
14 consideration of other factors beyond the  
15 environmental routing considerations.

16 Q. And Ameren is tendering you as its  
17 testifying expert on the selection?

18 A. That is correct.

19 Q. And Ameren had you provide specific  
20 testimony why MCPO's route is not viable?

21 A. That is correct.

22 Q. And Mr. Whitt had you confirm today that

1       your testimony in all respects is the same today as  
2       stated in Exhibit 13.0?

3             A.    That is correct.

4             Q.    So your testimony today to this Commission  
5       is that the MCPO route is not viable?

6             A.    That is my personal opinion, yes, that I  
7       think that the routes that were proposed by ATXI are  
8       more viable for the reasons I've stated in  
9       Exhibit 13.0, but it is ATXI's decision ultimately as  
10      to what route is selected and carried forward.

11            Q.    The Kansas substation is southeast of the  
12      proposed Mt. Zion substation, is that right?

13            A.    Generally, yes, that's correct.

14            Q.    Do you know about how far south the  
15      latitude of the Kansas substation is as compared to  
16      the latitude of the proposed Mt. Zion substation?

17            A.    Exact mileage, no.

18            Q.    Can you approximate it?

19            A.    I'm sorry?

20            Q.    Can you approximate it?

21            A.    Not without looking at a map.  If you'd  
22      bear with me for a minute.

1 (Pause)

2 A. I would say more than 12 miles.

3 Q. More than 12 miles south?

4 A. That is correct.

5 Q. So your study area runs from Mt. Zion to  
6 Kansas in a generally southeasterly direction?

7 A. That is correct, yes.

8 Q. And the two proposed routes that you  
9 developed for ATXI primary and alternate, those also  
10 follow that same direction orientation running  
11 southeast from Mt. Zion to Kansas?

12 A. Right, granted not due southeast but, yes,  
13 generally southeast.

14 Q. Mr. Greg Rockrohr is the ICC staff engineer  
15 who testified on Monday. He testified that ATXI's  
16 alternate route that you developed is A) shorter, B)  
17 less expensive, and C) requires fewer dead-end  
18 structures than MCPO's route.

19 Do you agree with that testimony?

20 MR. ROBERTSON: Excuse me. You started off  
21 saying that you were talking about the route that was  
22 proposed by Mr. Reinecke and Mr. -- I'm sorry -- in

1 the stipulation, and now we're talking about a  
2 different route that she is talking about in her  
3 direct testimony, and I object because it's not, the  
4 route that she refers to in her testimony is not  
5 necessarily the route that has been proposed by MCPO  
6 in its direct testimony.

7 MR. WILKE: I'll rephrase the question.

8 JUDGE YODER: Very well.

9 Q. BY MR. WILKE: The rebuttal recommended  
10 route is shorter than MCPO's route, is that true?

11 A. That is correct.

12 Q. The rebuttal recommended route requires  
13 fewer dead-end structures than MCPO's factored, is  
14 that true?

15 A. That's outside of the scope of my  
16 testimony.

17 Q. Would you take a look at your Exhibit 13.1,  
18 page 7?

19 MR. ROBERTSON: I'm sorry. What exhibit is  
20 that?

21 MR. WILKE: 13.1, page 7. I have copies if  
22 anyone needs one.

1 MR. ROBERTSON: Thank you.

2 Do you have that handy?

3 THE WITNESS: I do, yes.

4 Q. And it is fairly easy to determine from  
5 that document showing the rebuttal recommended route  
6 from Mt. Zion to Kansas how many dead-end structures  
7 exist on that route, is it not?

8 A. No, actually, I don't believe that it is.

9 Q. By dead-end structures, I mean right-hand  
10 turns, 90-degree turns.

11 A. Yes, I would agree that it's easy to  
12 identify right-hand turns, but I don't know that it's  
13 easy just looking at a route to identify the number  
14 of necessary dead-end structures.

15 Q. How would you define a dead-end structure?

16 A. I'm not an engineer. I don't know that I  
17 can define a dead-end structure. I'm just generally  
18 aware that it includes more than just right angles.

19 Q. Okay. Well, I'm going to ask you just  
20 about right-angle turns.

21 A. Okay.

22 Q. And point out to you that Mr. Rockrohr



1 testified there were 24 dead-end structures  
2 regardless of what route he was talking about.

3 Can you tell me how many right-angle  
4 turns there are on your rebuttal recommended route  
5 Mt. Zion to Kansas that's shown on page 7 of  
6 Exhibit 13.1?

7 A. I believe if I counted correctly, there are  
8 14 right angles.

9 Q. I count 24 but -- are you counting all --  
10 let me take a look.

11 May I approach the witness?

12 JUDGE YODER: Yes.

13 (Pause)

14 Q. BY MR. WILKE: I'm asking you each time the  
15 route takes a right-angle turn, a 90-degree turn, how  
16 many instances does that occur on this route?

17 A. You are correct. I see 24. I now count  
18 24.

19 Q. Okay. Thank you.

20 After testifying at length why MCPO's  
21 route is not a viable option, you then testified on  
22 page 56 that ATXI's alternate route from Mt. Zion to

1 Kansas is the best viable option.

2 Do you see that on page 56, lines 1213  
3 and 1214?

4 A. Yes.

5 Q. Would you read the next sentence?

6 A. On line 1214?

7 Q. Yes.

8 A. ATXI is confident of its assessment of this  
9 route.

10 Q. How did you come to that opinion about  
11 ATXI's level of confidence in its assessment?

12 A. Because again what was presented here in my  
13 rebuttal testimony was reference to the testimony of  
14 others, namely, Mr. Rockrohr, that we have the  
15 opportunity to evaluate, and I also presented the  
16 environmental merits of the routes proposed by ATXI  
17 as well as routes proposed by other intervenors.

18 Q. So you're comfortable with your testimony  
19 that ATXI is confident of its assessment of this  
20 route?

21 MR. WHITT: Objection. Asked and answered.

22 MR. WILKE: I'm just asking her to confirm that

1 is a true statement.

2 JUDGE YODER: I think I'll sustain. I think  
3 you did ask her almost that exact same question.

4 Q. BY MR. WILKE: So were you then surprised  
5 to learn that the Friday before this hearing was to  
6 begin, ATXI changed its recommended route to the very  
7 one you have so exhaustively shown was not viable?

8 A. I was not surprised to learn, no. It's my  
9 understanding that ATXI was attempting to strike a  
10 compromise with all stipulated routes, and while it  
11 still remains my opinion that the routes that we  
12 proposed are more viable than the route proposed by  
13 MCPO, our decision to enter into a stipulation with  
14 MCPO with regard to MCPO's northern route was based  
15 on more than just the environmental factors that I  
16 raised or environmental concerns that I raised in my  
17 rebuttal testimony, and it's certainly within their  
18 authority to make that decision.

19 Q. So it was based on something other than  
20 viability?

21 MR. WHITT: I'll object. The witness just  
22 explained that she gives the environmental

1       assessment, but it's ultimately ATXI's call, and she  
2       can't know...I don't believe any foundation has been  
3       established that she knows, other than the fact of a  
4       compromise being made, what underlied ATXI's  
5       decision.

6               JUDGE YODER:   Response?

7               MR. WILKE:   All I'm trying to establish with  
8       this witness is she has testified that her  
9       recommended route is viable.   She has testified that  
10      MCPO's route is not viable, and so if Ameren in its  
11      wisdom has selected a route she has testified to is  
12      not viable, then it must be for some reason other  
13      than the viability of the route.

14              JUDGE YODER:   She can answer that if she has an  
15      opinion on that.

16              THE WITNESS:   I would respond a couple things.

17                      One, my use of viability was strictly  
18      based on how the MCPO's route compared to ATXI's, and  
19      my opinion of that route has not changed.

20                      Second though, their decision, they  
21      being ATXI's decision to enter into a stipulation on  
22      the MCPO northern route was their decision, and it

1       would include factors other than what I've raised in  
2       my rebuttal testimony.

3           Q.     BY MR. WILKE:   But you don't know what  
4       those factors are?

5           A.     No.

6           Q.     Would you take a look at your Exhibit 4.2,  
7       Part 74 of a hundred, page 3?

8           A.     I have copies if it's easier for me to give  
9       it to you.

10          JUDGE YODER:   You said page 3?

11          MR. WILKE:   Part 74, page 3.

12          THE WITNESS:   I'm sorry.   Can you repeat that  
13       page?

14          MR. WILKE:   Page 3?

15          THE WITNESS:   Yes.

16          Q.     Okay.   That shows the precise location of  
17       the proposed Mt. Zion station, does it not?

18          A.     It does.

19          Q.     The yellow line that runs directly south of  
20       the proposed Mt. Zion substation site is the rebuttal  
21       recommended route, is it not?

22          A.     That is correct.

1 Q. From Mt. Zion to Kansas?

2 A. That is correct.

3 Q. The MCPO route is not shown on this page,  
4 but do you agree or do you know that it runs due east  
5 of the proposed Mt. Zion substation site?

6 A. I do understand that it does; you're  
7 correct, that it runs due east from the substation  
8 site.

9 Q. Did you ever look at routes running into or  
10 out of the Mt. Zion substation at a different  
11 location than what is shown on this page?

12 A. We did, and the various potential  
13 alternatives that were studied are reflected on the  
14 maps provided in ATXI Exhibit 4.6.

15 Q. And can you tell me generally what other  
16 locations you looked at for the proposed Mt. Zion  
17 substation site?

18 A. For the site itself?

19 Q. Yes.

20 A. What we provided in Exhibit 4.6 was the  
21 various route alternatives that we looked at.

22 In terms of the substation sites, I

1 don't believe I have an exhibit, and I couldn't tell  
2 you off the top of my head various parcels within a  
3 general substation siting area that were evaluated.

4 Q. I'm going to ask you a hypothetical  
5 question.

6 If the Mt. Zion substation were  
7 relocated say by moving it south on that yellow line,  
8 that would necessarily decrease the length and cost  
9 of the rebuttal recommended route; that is, ATXI's  
10 alternate route from Mt. Zion to Kansas, is that  
11 correct?

12 A. As a function, again, if we're basing  
13 dollars and cents and costs strictly on length of  
14 line, I would agree, yes.

15 Q. And similarly, if the Mt. Zion substation  
16 were relocated by moving it south of the yellow line,  
17 that would necessarily increase the length and costs  
18 of the stipulated MCPO route?

19 MR. WHITT: Your Honor, I'm going to object.  
20 The hypothetical question necessarily asked the  
21 witness to speculate on the stand about a new route  
22 that has not been proposed in this proceeding, and

1 the deadline for proposing new routes has long  
2 passed.

3 So while hypothetical questions may  
4 technically be appropriate, it's irrelevant in this  
5 case.

6 MR. WILKE: I'm simply asking her what her  
7 position is in light of that hypothetical just like  
8 Mr. Whitt asked Mr. Ragheb this morning about what  
9 his position would be if it's was a 745-kV line as  
10 opposed to a 345-kV line.

11 MR. WHITT: It didn't involve a new route.

12 MR. ROBERTSON: Excuse me. I'll join the  
13 objection because the hypothetical assumes facts that  
14 are not in evidence.

15 I think, unless his client has  
16 proposed this, then the hypothetical is meaningless  
17 because nobody has proposed the two adjustments that  
18 he's identified.

19 JUDGE YODER: So you're joining the objection,  
20 Mr. Robertson?

21 MR. ROBERTSON: Yes, I am.

22 JUDGE YODER: Any comment?



1 MR. WILKE: No.

2 JUDGE YODER: I'll sustain the objection.

3 MR. WILKE: Let me ask this question.

4 Q. You're not aware of any agreement by ATXI  
5 to recommend a relocation of Mt. Zion substation, is  
6 that right?

7 A. I'm not aware of any agreement, no.

8 MR. WILKE: That's all the questions I have.  
9 Thanks.

10 JUDGE ALBERS: Thank you.

11 Next we have cross reserved by the  
12 Colfax-Scott Land Preservation Group.

13 MR. McNAMARA: If I could do a couple of  
14 handouts before I start questioning the witness.

15 JUDGE YODER: Do you have cross exhibits or  
16 merely for her reference?

17 MR. McNAMARA: One is going to be a cross  
18 exhibit. The other's are mainly for her reference.  
19 And I have copies for counsel.

20 (Pause)

21 MR. McNAMARA: Ms. Murphy, my name is Ed  
22 McNamara. I represent intervenors along three

1 portions of the route.

2 I just have a few general questions to  
3 start out with.

4 CROSS-EXAMINATION

5 BY MR. McNAMARA:

6 Q. Have you heard the testimony, were you  
7 present for the testimony of Mr. Rockrohr who  
8 previously testified?

9 A. Yes, I was.

10 Q. Were you present for the testimony of Leon  
11 Corzine who previously testified?

12 A. No, I was not.

13 Q. Were you made aware of that testimony?

14 A. At least in part.

15 Q. Okay. And what about the witness that I  
16 presented yesterday, Mr. Paul Bergschneider, were you  
17 present for his testimony?

18 A. I was not, no.

19 Q. Okay. It's my understanding, and I think  
20 I'm getting this right, that you did a fly around  
21 with Mr. Rockrohr, is that correct, a two-day fly  
22 around of the various routes?

1           A.    The various routes including only ATXI's  
2           proposed routes.

3           Q.    Okay.  And who else was in the helicopter  
4           with you?

5           A.    Other representatives of ATXI including  
6           Mr. Jerry Murbarger, Trish Spinner, Mr. Rick Trelz  
7           (T-r-e-l-z).

8           Q.    And you at this time had your primary and  
9           secondary routes laid out, is that correct?

10          A.    That is correct, yes.

11          Q.    Okay.  When did that fly around take place?

12          A.    In October of 2012.

13          Q.    Right before you filed the case?

14          A.    Within a couple weeks prior to filing, that  
15          is correct.

16          Q.    Okay.  As a result of that fly around, did  
17          you change any of the routes?

18          A.    No, we did not.

19          Q.    And with regard to the routes, did you  
20          actually put boots on the ground and walk some of the  
21          routes yourself?

22          A.    As a result of the flyover?

1           Q.    As a result of anything.  Prior to reaching  
2           your decisions in this case, did you actually take a  
3           walk along any of the routes?

4           A.    I looked at some portions of the route from  
5           public rights-of-way, but because we did not have  
6           right of entry on private properties, there was a  
7           significant number of potential route alternatives  
8           that we were not able to access.

9                       We reviewed ATXI's proposed route via  
10          helicopter which allowed us to see more of the  
11          proposed routes because we had more immediate access  
12          to them.

13          Q.    Will you agree that on occasion, if you're  
14          using a helicopter, you can mistake a residence for a  
15          shed?

16          A.    Potentially.

17          Q.    Will you agree that by using a helicopter,  
18          you really can't tell us whether a particular  
19          residence is occupied or not?

20          A.    No, but our assessment of residences along  
21          ATXI's proposed routes was also based on review of  
22          high resolution aerial photography, and we erred on

1 the side of caution and assumed that any building  
2 that appeared to be an existing residence, we treated  
3 it as a residence within our analysis, and we also  
4 did not make distinctions between occupied or  
5 unoccupied.

6 Q. So you weren't present when Mr. Corzine was  
7 cross-examined by Attorney Whitt, were you?

8 A. I was not, no.

9 Q. Were you advised that there were a number  
10 of occasions when Mr. Whitt was asking Mr. Corzine  
11 about what appeared to be from a high resolution  
12 photograph a residence when, in fact, Mr. Corzine  
13 thought better of it, thought it was some sort of a  
14 storage shed?

15 A. I'm sorry. I didn't have a discussion with  
16 Mr. Whitt about his discussion with Mr. Corzine.

17 Q. Okay. You've been involved in a number of  
18 cases for Ameren; half a dozen.

19 A. That is correct, yes.

20 Q. Okay. How many of them have been  
21 completed?

22 A. One has been constructed. A second --

1           Q.    Excuse me.  I'm sorry.  I should qualify  
2           that.

3                       How many of them have had final orders  
4           issued by the Illinois Commerce Commission?

5           A.    All of them but one.

6           Q.    And that would be the case we're talking  
7           about here today?

8           A.    No.  We, being ERM, are presently  
9           supporting another transmission company project, the  
10          Maple Ridge-Fargo project.

11          Q.    That's up in the Peoria area?

12          A.    That is correct, yes.

13          Q.    And you filed your testimony in February of  
14          this year?

15          A.    That is correct, yes.

16          Q.    You mentioned in this case there was one  
17          instance of a hybrid route.  Did I hear your  
18          testimony correctly earlier today upon questioning  
19          by, I believe it was by Mr. Kalb, that there was one  
20          hybrid route that was being proposed?

21          A.    There is -- I'm not sure that that was the  
22          question that he asked.

1                   In reference to the hybrid route as  
2           it's been referred between the Southeast Quincy and  
3   Meredosia substations, the hybrid route which is also  
4   the rebuttal recommended route, is basically  
5   comprises a portion of ATXI's proposed primary route,  
6   and ATXI's proposed alternate route.

7           Q.    Would there also be a hybrid route on that  
8   portion of the line from Marseilles to Ipava?

9           A.    A hybrid?

10          Q.    By that, I mean a portion of it would be  
11   part of an original route that you proposed, and a  
12   part of it would be a stipulated route between the  
13   company and the Nature Conservancy.

14          A.    That is correct if you're using hybrid to  
15   make a distinction between what -- yes, that is  
16   correct if you're making a distinction as hybrid  
17   being portions of routes already proposed by ATXI.

18          Q.    And if I make that distinction, then that's  
19   a hybrid route as well, is it not?

20          A.    No, not -- I don't -- bear with me. I just  
21   need to grab the exhibit.

22          Q.    Sure.

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(Pause)

A. The rebuttal recommended route for the Meredosia to Ipava portion of the project includes the southern portion of ATXI's proposed alternate route and the northern portion of ATXI's proposed alternate route, so, no, I would not characterize that as a hybrid route.

Q. Would part of that route consist of a portion of a stipulated route with the Nature Conservancy?

A. I would agree with that, yes.

Q. And with regard to the portion that -- I've handed you what is marked as ATXI 5.

Are you familiar with that document?

A. Yes, I am.

Q. Okay. It indicates a Korsmeyer farm?

A. Yes, that is correct. I see that.

Q. And can we agree that the Korsmeyer farm, there are a number of plots there, but the Korsmeyer farms all lie north of the portion that was stipulated to by the Nature Conservancy?

A. Yes, that is true.



1           Q.    With regard to the area from Marseilles to  
2           Ipava, were you able to drive those routes?

3           A.    No.  I flew those routes via helicopter  
4           reconnaissance.

5           Q.    But I take it though you did develop the  
6           Routes A and B before the helicopter ride, the  
7           primary and secondary before you did the helicopter  
8           ride?

9           A.    That is true.  What we're ultimately  
10          carrying forward as ATXI's proposed primary and  
11          proposed alternate and generally speaking between  
12          Beardstown and Ipava were presented to the public  
13          during the third round of public meetings in late  
14          September and early October.

15          Q.    You mentioned Beardstown.  Are we talking  
16          about -- I call that from Marseilles to Ipava.  Are  
17          we talking about the same route?

18          JUDGE YODER:  Are you saying Marseilles?

19          MR. McNAMARA:  Yes, sir.

20          JUDGE YODER:  It's not Meredosia?

21          MR. McNAMARA:  Excuse me; Meredosia.  Wherever  
22          I said Marseilles, I mean Meredosia.

1           Q.    With those corrections to my statement, can  
2           we agree we're talking about from Meredosia to Ipava?

3           A.    That is correct, yes.

4           Q.    And those were flyovers as far as your  
5           trying to look at them, is that correct?

6           A.    Correct, and again, I flew these routes in  
7           October but also in early September.

8           Q.    Oh, okay. Did you do more than one  
9           flyover?

10          A.    Yes.

11          Q.    Oh, I'm sorry. I assumed that the only  
12          flyover was with Mr. Rockrohr.

13                       How many flyovers -- let's just  
14          restrict it now to Meredosia to Ipava. How many  
15          flyovers did you do of that particular route?

16          A.    Of that portion of the project, two.

17          Q.    One before you came up with your primary  
18          and secondary; one after you came up with your  
19          primary and secondary.

20          A.    The primary/secondary as you see them on  
21          ATXI Exhibit 4.2.13 of 100, page 1 of 3, those routes  
22          were evaluated by helicopter reconnaissance in

1       September and October. We identified these routes  
2       prior to the review of them in September.

3           Q.    You're familiar with Mr. Rockrohr's revised  
4       direct testimony in this case in a general way?

5           A.    Generally, yes.

6           Q.    Okay. And the top sheet that I have given  
7       you is from Mr. Rockrohr's revised direct testimony,  
8       and it consists of pages 31 through 34.

9                   Do you have that in front of you?

10          A.    Yes, I do.

11          Q.    And in that particular testimony,  
12       Mr. Rockrohr is advocating that the Nature  
13       Conservancy alternate route one be adopted, is that  
14       correct?

15          A.    That is correct. I see his statement at  
16       line 714 of page 33.

17          Q.    Okay. Also, Mr. Rockrohr in layman's terms  
18       in that testimony asked the company to respond and  
19       tell us in layman's terms can you build it and how  
20       much it's going to cost. Isn't that a basic question  
21       he's asking there?

22          A.    I believe that is true generally speaking,

1       yes.

2               Q.     Pardon?  I didn't hear you.

3               A.     I believe that is true, yes.

4               Q.     Okay.  I next have handed you, it should be  
5       ATXI Exhibit 16.3, page 3 of 9.

6                       Do you have that?

7               A.     Yes, I do.

8               Q.     Now, was this exhibit prepared by part of  
9       your team?

10              A.     No, it was not.

11              Q.     It was prepared by the company?

12              A.     That is correct.

13              Q.     Who, to your knowledge, prepared that  
14       particular exhibit?

15              A.     I think it was a combination of ATXI  
16       representatives who are involved in developing the  
17       costs of the project.

18              Q.     And this was prepared as a result of  
19       Mr. Rockrohr's request to the best of your knowledge?

20              A.     That is correct, yes.

21              Q.     Okay.  Now, with regard to the portion from  
22       Meredosia to Ipava, can we agree that it shows T and

1 C route A. That would be the Nature Conservancy  
2 first alternate, would it not be?

3 A. I believe that's correct, yes.

4 Q. And can we agree that the Nature  
5 Conservancy first alternate is \$5,760,000 less than  
6 the route being advocated by the company?

7 A. Based on your math that you provided me,  
8 yes, I would agree.

9 Q. Subject to check.

10 A. Agree.

11 Q. Okay. And your primary route that you  
12 originally wanted to have go was even less, was it  
13 not?

14 A. Yes, it was.

15 Q. Next let's focus on that area between  
16 Meredosia and Pawnee, Illinois, and you developed two  
17 routes, a primary and a secondary, for that portion  
18 of land, did you not?

19 A. That is correct, yes.

20 Q. How many flyovers did you do?

21 A. Two; again, one in September and one in  
22 October.

1           Q.    By the way, the early flyover in September,  
2           who was present on that?

3           A.    That flight spanned multiple days.  I can't  
4           recall with certainty who was actually on the  
5           helicopter with me.

6           Q.    Okay.  Was Mr. Rockrohr present?

7           A.    No, he was not.

8           Q.    Was any of the Commission staff present?

9           A.    No, they were not.

10          Q.    And I've given you a portion of  
11          Mr. Rockrohr's testimony from pages 35 through 38.  
12          That should be your next handout there.  Do you have  
13          it?

14          A.    Yes, I do.

15          Q.    And can you tell me by looking at that  
16          testimony what Mr. Rockrohr is suggesting for the  
17          area for that portion of the line between Meredosia  
18          and Pawnee?

19          A.    Can you clarify?  You say what is he  
20          suggesting.  Is there a particular question?

21          Q.    What their recommendation is.  I'm sorry.  
22          I'm going to refer your attention to starting on

1 lines 765 on page 36.

2 A. Mr. Rockrohr made a statement that it  
3 appears to him that constructing the segment parallel  
4 to the existing 138-kV line would result in by far  
5 the shortest and lowest cost route. Granted, I left  
6 a few words out but...

7 Q. And now I'm going to refer your attention  
8 to lines 780 to 782 on page 37. Once again, in  
9 layman's terms, Mr. Rockrohr asked the company, tell  
10 me how much your proposal is going to cost or the  
11 various proposals are going to cost and can you build  
12 them.

13 A. That is correct, yes.

14 Q. Next you should have what was marked as  
15 intervenors MSSCLPG Cross Exhibit No. 2.

16 Do you have that?

17 A. Yes, I do.

18 JUDGE YODER: Do you have copies for the court  
19 reporter and the bench?

20 MR. McNAMARA: Do you want one now? I don't  
21 have an extra. I will have them for you.

22 JUDGE YODER: Well, do you want it marked as

1 evidence?

2 MR. McNAMARA: Yes, sir.

3 JUDGE YODER: Well, at least the court reporter  
4 will need one.

5 MR. McNAMARA: Okay. I will have it.

6 JUDGE YODER: And what does your cross exhibit  
7 consist of?

8 MR. McNAMARA: It consists of an analysis of  
9 page 4 of ATXI Exhibit 16.3. In fact, I have extra  
10 copies that might be helpful.

11 (Whereupon MSSCLPG Cross Exhibit  
12 2 was marked for identification  
13 as of this date.)

14 Q. BY MR. McNAMARA: Ms. Murphy, you had a  
15 chance to look at my intervenor exhibit MSSCLPG No.  
16 2?

17 A. Yes.

18 Q. And it analyzes the previous page 4 of the  
19 exhibit that we were previously referring to, and  
20 that would be the cost of the various routes between  
21 Meredosia and Pawnee, is that correct?

22 A. Yes, I believe that's the general intent of



1 Cross Exhibit 2.

2 Q. Pardon?

3 A. Yes. I believe that is the general intent  
4 of Cross Exhibit 2.

5 Q. Well, would you check and make sure that I  
6 put in the right figures for the various routes, the  
7 line items at the top?

8 MR. WHITT: Your Honor, I think I need to  
9 object here. Exhibit 16.3 was sponsored by company  
10 witness Mr. Murbarger. I mean, the witness is  
11 capable of looking at a piece of paper and confirming  
12 that numbers are there, but there hasn't been a  
13 foundation that these are her numbers, that she has  
14 knowledge of or responsibility for anything to do  
15 with costing information.

16 MR. McNAMARA: Let me lay some foundation if I  
17 might, Judge.

18 JUDGE YODER: We'll hold the objection in  
19 abeyance while you try and lay a foundation.

20 Q. BY MR. McNAMARA: Ms. Murphy, as part of  
21 your job in determining a route, cost is a factor, is  
22 it not? In general, when you decide on a primary and

1 a secondary route, as part of your work, you do take  
2 into consideration costs among other things?

3 MR. WHITT: I just need to seek clarification  
4 here.

5 The use of the term generally, you  
6 know, we or your, is he talking about ATXI or this  
7 witness's role as a supporting expert to ATXI?

8 Q. BY MR. McNAMARA: As a supporting expert,  
9 when you make recommendations of routes to the  
10 company, do you rely upon cost factors as well as  
11 other factors?

12 A. My recommendations were based on the  
13 environmental routing considerations. ATXI's  
14 selection of routes that were ultimately carried  
15 forward took into account my environmental  
16 recommendations as well as other factors, cost being  
17 one, and then my subsequent characterization of those  
18 routes just generally reiterated what some of those  
19 considerations were.

20 Q. Back again to the area between Meredosia  
21 and Pawnee, you initially came up with a primary and  
22 secondary route, did you not?

1           A.    Yes, we did.

2           Q.    And by we, who do you mean?

3           A.    ATXI together with ERM.

4           Q.    And as a team working together, did you  
5 take into consideration cost?

6           A.    Yes, we did, but I would think we made some  
7 decisions as it relates to distinction between the  
8 primary and alternate routes that how cost influenced  
9 primary versus alternate even of ATXI's proposed  
10 route was not necessarily a single deciding factor.  
11 It really was a balance of tradeoffs, and in some  
12 cases, we selected a route that may be more costly  
13 because it allowed for a lower potential for impact.

14          Q.    Thank you.

15                   And originally between Meredosia and  
16 Pawnee, your primary route cost \$15 million less than  
17 the alternate route, about that, is that not correct?

18          A.    Based on the numbers that are provided in  
19 ATXI's Exhibit 16.3, I would agree with you.

20          Q.    And would you agree that the route that  
21 you're now proposing, I call it the alternate and  
22 rebuttal recommended, is the costliest of the various

1 routes that have been considered, or proposed I  
2 should say, the costliest of the proposed routes?

3 A. That is correct, yes, based on these  
4 numbers.

5 Q. And the route that you and the company are  
6 now asking the Commission to approve is 15,128,000  
7 costlier than the primary route that you originally  
8 recommended?

9 A. That is true, but again...

10 Q. Well, that's my question.

11 Actually, the route that you're  
12 proposing is 36,782,000 costlier than had you used or  
13 had you advocated going along the existing 138 kV  
14 line?

15 A. If all things are equal along these routes  
16 and we were strictly looking at dollars and cents as  
17 it relates to length, I would agree with the cost  
18 differential that you're providing.

19 Q. Thank you so much.

20 JUDGE YODER: I'm sorry. Just so the record is  
21 clear, we'll overrule the objection on the basis that  
22 she was able to testify about the cross exhibit.

1 Q. BY MR. McNAMARA: Let's talk about Sidney  
2 to Rising. You're recommending the primary route?

3 A. That is correct.

4 Q. And that was the original primary route  
5 that you recommended when the petition was filed?

6 A. That is correct.

7 Q. You're advised that MISO is involved in  
8 this case? Am I pronouncing that correctly?

9 A. I don't believe you are.

10 Q. Correct it, please.

11 A. MISO, Midwest Independent Operator System.

12 Q. Okay. MISO. Do you do any work for MISO?

13 A. Not directly, no.

14 Q. Well, tell me about indirectly.

15 A. Well, in the past I have supported a  
16 project on behalf of a utility for a transmission  
17 service request that was ultimately, the results of  
18 that study were provided to MISO, but I have never  
19 been contracted for any reason directly to MISO.

20 Q. Are you familiar with a company called  
21 FutureGen?

22 A. I am familiar with them.

1 Q. Do you do any work for FutureGen?

2 A. No, I do not.

3 Q. When you proposed your original route and  
4 primary route and secondary route between Meredosia  
5 and Pana, were you aware that FutureGen was proposing  
6 a pipeline in the area?

7 A. I am aware that they were proposing a  
8 pipeline, but I do not know where that pipeline is  
9 intended to be located.

10 Q. Okay. In any event, it's not in the ground  
11 as we speak, is that correct?

12 A. That is correct. That's my understanding.

13 MR. McNAMARA: Thank you so much.

14 JUDGE YODER: Mr. McNamara, do you want to move  
15 for admission of the cross exhibits?

16 MR. McNAMARA: I would move for the admission  
17 of MSSCLPG Cross Exhibit 2.

18 JUDGE YODER: Any objection?

19 MR. WHITT: I'd renew my prior objection.

20 JUDGE YODER: I think a sufficient basis was  
21 laid for the cross-examination of her on that, so  
22 we'll admit MSSCLPG Cross Exhibit 2 over objection.

1 (Whereupon MSSCLPG Cross Exhibit  
2 2 was admitted into evidence at  
3 this time.)

4 JUDGE YODER: Does Farm Bureau have cross?

5 MS. HARMON: Yes. Laura Harmon for the  
6 Illinois Farm Bureau.

7 Good afternoon, Ms. Murphy. I  
8 represent the Illinois Farm Bureau. Also we've  
9 intervened in this case as the Illinois Agricultural  
10 Association.

11 CROSS-EXAMINATION

12 BY MS. HARMON:

13 Q. You testified that you have been retained  
14 by Ameren in a total of six projects?

15 A. That is correct.

16 Q. How many of those projects have been  
17 decided or are proceeding under Section 406.1?

18 A. Two others have been approved by the  
19 Commission under 406.1.

20 Q. Okay. So this would be the third project  
21 under 406.1?

22 A. There's another pending case that has been

1 submitted under 406.1, that being Maple Ridge-Fargo.

2 So two projects have already been approved in  
3 accordance with 406.1, and in addition to Illinois  
4 Rivers, there is a second pending in accordance with  
5 406.1.

6 Q. Okay. So how many projects total have you  
7 been retained by Ameren that have been either filed  
8 under 406.1? Regardless of whether they're pending  
9 or approved, how many projects have been filed under  
10 Section 406.1?

11 A. Four as I just mentioned.

12 Q. And of those four projects, is this project  
13 the longest with respect to the length of the  
14 proposed line?

15 A. With respect to the length, yes, that is  
16 correct.

17 Q. According to your biography which you've  
18 attached to your testimony, you assisted in drafting  
19 legislation that provides for an alternate review  
20 process for siting of transmission lines in the State  
21 of Illinois.

22 Are you referring to Section 406.1?



1           A.    I had the opportunity.  I was requested by  
2           a representative of Ameren Illinois Company to review  
3           legislation and offer input, and, yes, it was a  
4           reference to the 406.1 legislation.

5           Q.    Okay.  And you said you were retained by  
6           the company to provide input?

7           A.    I was not paid, no.  I was asked to provide  
8           input.

9           Q.    And what input did you provide with respect  
10          to 406.1?

11          A.    I was asked to review the language, the  
12          draft language that representatives of Ameren had put  
13          together, and I believe I was just more in the  
14          capacity of kind of a sounding board if I felt that  
15          there was anything that could be added or if some of  
16          the proposals, for example, what they were proposing  
17          in terms of notice requirements, if those seemed  
18          reasonable.

19          Q.    And did you have any opinions regarding the  
20          time period that the ICC has to issue a certificate  
21          in this case under 406.1, the 150-day period?

22          A.    Do I have an opinion today about the

1       timeframe?

2               Q.     Or at the time that you were consulted  
3       regarding the draft legislation.

4               A.     At the time that I was asked to review the  
5       legislation that Ameren was working with, this  
6       project was not yet a project, so this project is  
7       subsequent to that legislation irrespective of the  
8       input that I provided at that time.

9               Q.     I understand.

10                      What I'm asking you is with respect to  
11       your review and input of the proposed legislation,  
12       regardless of any pending projects, did you have an  
13       opinion regarding the time period of the 150-day  
14       period that the ICC has given under the legislation  
15       to issue a decision?

16               A.     I think as it relates specifically to the  
17       Illinois Rivers Project, we had a significant number  
18       of public meetings. We were required only to have  
19       three public meetings in each affected county. We  
20       started public meetings before routes were proposed,  
21       and as such, we had more public meetings than there  
22       were at the end of the day counties affected. We

1       also had stakeholder working groups.

2               Q.     Perhaps I'm not being clear.  My question  
3     has nothing to do with any particular project.

4                     If my understanding is correct, you  
5     were asked to give input about the specific  
6     legislation.

7                     My question to you is, did you have an  
8     opinion on the 150-day period?

9               A.     No, I didn't.

10              Q.     Thank you.

11                    You testified this morning when  
12     Mr. Kalb was questioning you about your analysis, you  
13     specifically testified that you didn't do any  
14     monetary analysis regarding the environmental impacts  
15     that you identified in your study, and that that was  
16     the responsibility of Ameren.  Is that correct?

17              A.     The identification of costs is the  
18     responsibility of Ameren, but I would also say  
19     however that to attempt to assign some type of  
20     monetary value to impacts, the extent of which is  
21     unknown as we sit here today, I don't think that we  
22     could do that.

1           Q.    Okay.  I want to direct your attention to  
2           Exhibit 4.3, page 2 of 10.

3                       Specifically in this part of your  
4           testimony, you're referring to the route selection  
5           process?

6           A.    I'm sorry.  Did you say 4.3?

7           Q.    It's Exhibit 4.3, Part 2 of 5, page 2 of  
8           10, selection of proposed routes.

9           A.    Okay.

10          Q.    Okay.  The page starts following the Phase  
11          II public meetings, and the bottom part of the page,  
12          you're basically summarizing different parts of the  
13          route and the fact that you were looking at less  
14          potential for cumulative environmental impact, less  
15          potential for impact on existing residences.

16                       So is it fair to say with respect to  
17          your testimony, you're looking at the impact of  
18          residences, the number of residences, not the dollar  
19          amount or potential dollar amount to the company?

20          A.    That is correct.

21          Q.    Okay.  But you are aware that if the  
22          proposed route does impact residences, then the

1       company would have to compensate the landowner or the  
2       homeowner in certain situations if it required the  
3       displacement of a home?

4             A.     That's my general understanding.

5             Q.     Okay. And with respect to tree removal, if  
6       the route impacts trees such that you have to remove  
7       the trees, then Ameren would have to compensate the  
8       landowner for those trees?

9             MR. WHITT: I'll object, Your Honor, as beyond  
10       the scope of direct. She hasn't talked about  
11       condemnation and the acquisition phase.

12            JUDGE YODER: Do you have any response?

13            MS. HARMON: She testifies in I believe her  
14       revised rebuttal testimony with respect to impacts on  
15       environment and so forth that the company would  
16       compensate the landowner for those impacts. The  
17       witness has testified that she's not responsible for  
18       coming up with cost values, but the point is she is  
19       aware that if the route impacts residences or if a  
20       route impacts farmland or if the route impacts trees,  
21       that the company at some point would have to  
22       compensate those owners.

1 JUDGE YODER: Could you point me to that in the  
2 testimony?

3 (Pause)

4 MS. HARMON: I'll come back to that. I'll  
5 withdraw the question.

6 JUDGE YODER: Okay. We'll withdraw that for  
7 now.

8 Q. You testified this morning regarding an  
9 Exhibit 4.3, and it's titled Phase 2 Exercise  
10 Results, and also Exhibit 4.3, Part 1 of 5, the high  
11 sensitivity, moderate sensitivity, and low  
12 sensitivity, your Phase 1 environmental siting  
13 criteria?

14 A. I believe you're referring to ATXI's  
15 Exhibit 4.3, Part 1 of 5, pages 7, 8 and 12.

16 Q. That is correct. I have a few questions  
17 regarding those exhibits.

18 You testified earlier that there was  
19 an error in the chart in Figure 2 that the six  
20 percent, and I'll call the color maroon, that that  
21 actually represents the wooded areas, correct?

22 A. That is correct, yes.

1           Q.    Okay.  And in Figure 2, ag land and  
2           existing references combined, those two factors  
3           combined account for 82 percent of the stakeholder or  
4           the public feedback from the Phase II meetings,  
5           correct?

6           A.    Of those that participated in the exercise,  
7           that is correct.

8           Q.    That is correct.

9                         And wooded areas accounts for six  
10          percent.

11          A.    Yes.

12          Q.    Despite the fact that the public input  
13          resulted in 82 percent for those two factors, you  
14          didn't weight these factors during your routing  
15          selection process, correct?  They're treated as high  
16          sensitivities?

17          A.    We didn't weight any factors, and the  
18          prioritization of criteria came into play when we had  
19          two route alternatives that were otherwise comparable  
20          and we needed to establish some tiebreaker between  
21          them.

22                         When we had those situations, we then

1 looked at the occurrence of the high sensitivities  
2 occurring along both of those route options and made  
3 some distinction.

4 I will continue to emphasize, however,  
5 that sensitivity as it's defined in ATXI Exhibit 4.0  
6 and ATXI Exhibit 4.3 does not necessitate or imply  
7 avoidance. There's no way to route this line across  
8 the State of Illinois through central Illinois and  
9 not impact agricultural use areas.

10 Q. I understand.

11 But the public feedback told you that  
12 they had an overwhelming preference, in fact, 82  
13 percent, and you did not assign a percentage weight  
14 for those sensitivities, correct?

15 A. While we did not assign a percentage  
16 weight, I think it's described in my direct testimony  
17 and associated exhibits as well as in my rebuttal  
18 testimony that we did make distinctions between even  
19 a primary and alternate route based on the extent of  
20 impacts, including agricultural impacts, based on the  
21 number of residences that occur along those routes,  
22 and we made every effort to carry forward routes that



1 allow for a lesser potential for impact, all things  
2 considered, to agricultural uses and also existing  
3 residences.

4 Q. Again, you did not assign a percentage to  
5 either one of those sensitivities?

6 MR. WHITT: I'll object. It's been asked and  
7 answered twice at least.

8 Q. Based upon the public feedback of six  
9 percent, you also included that in the category of  
10 high sensitivities, correct?

11 A. And by six percent, I assume you're  
12 referring again to wooded areas?

13 Q. Yes, to wooded areas.

14 A. That is correct.

15 Q. Ms. Murphy, why would you include wooded  
16 areas in the same category as farmland and residences  
17 when the percentages are six percent versus a total  
18 of 82 percent for those other two categories?

19 A. The public...this is a reflection of public  
20 input, and we didn't make a distinction between the  
21 percent of responders. Rather, we were attempting,  
22 because based on the Phase 1 exercises we already had

1       some environmental features that had been identified  
2       as high sensitivities, and I think just as a result  
3       of the Phase II exercise that even though it was only  
4       six percent, it was still the third highest  
5       percentage of response, we felt it was appropriate to  
6       include it.

7               We also received a number of comment  
8       forms throughout the process that raised sensitivity  
9       to wooded areas.

10            Q.    But again, according to the public  
11       feedback, they assigned a value of six percent versus  
12       35 percent and 47 percent for the other two  
13       categories?

14            A.    I'm not sure how to answer your question  
15       because, again, they didn't assign a value. The  
16       percentages that you see is a percent of respondents,  
17       and we felt it was appropriate to factor in the input  
18       that we'd received during this exercise as well as  
19       the first exercise, and we felt that it was  
20       appropriate to include wooded areas along with the  
21       other high sensitivities that had already previously  
22       been identified by the public.

1           Q.    And you testified earlier that in the event  
2           that you needed a tiebreaker, you considered those  
3           sensitivities that are characterized as high  
4           sensitivities, correct?

5           A.    In the instances of a tiebreaker, that is  
6           correct.

7           Q.    And high sensitivities carry a stronger  
8           weight in the event of a tiebreaker versus moderate  
9           sensitivities, correct?

10          A.    We did not assign any rates to any  
11          particular criteria.  When we had two route options  
12          that were otherwise comparable, we needed to make  
13          some distinction, and we took a look at the extent of  
14          occurrence of all high sensitivities collectively,  
15          including agricultural use areas, wooded areas,  
16          existing residences, what have you.  We then made  
17          some distinctions between the routes based on the  
18          occurrence of all of those factors.

19          Q.    So if you had all three factors, all three  
20          sensitivities, meaning farmland, existing residences  
21          and a wooded area, and in the event of a tiebreaker,  
22          would you assign any particular percentage or weight

1 to any one of those factors?

2 A. No, we would not, but we did, as we looked  
3 at the extent of occurrence of each of the high  
4 sensitivities collectively and based on the  
5 cumulative occurrences of those features that we were  
6 able to make that distinction between routes, we did  
7 so.

8 Q. With respect to wooded areas, how did you  
9 determine what areas were wooded?

10 A. Through a combination of existing available  
11 land cover data as well as review of high resolution  
12 aerial photography.

13 Q. And with respect to wooded areas, would  
14 that have a minimum number of trees or area?

15 A. No, it would not.

16 Q. So any trees, any growing trees would be  
17 included in a wooded area?

18 A. Not necessarily, no. I think from a  
19 general standpoint, we are not...just as a for  
20 instance, where you may have some taller growing  
21 vegetation that appear to be trees along say a fence  
22 line or field line, we would not necessarily have

1 characterized that as a wooded area.

2 So while I can't tell you that we  
3 developed any criteria specified as a limited or a  
4 minimum number of trees, for all intents and  
5 purposes, wooded areas would be kind of broader  
6 polygonal areas.

7 Q. And with respect to any value for the trees  
8 during the route selection process, you didn't have  
9 any conversations with landowners regarding the value  
10 of any wooded areas to that particular landowner,  
11 correct?

12 A. That is correct. We didn't assign any  
13 monetary values to environmental impacts, and I  
14 believe Mr. Trelz addressed the compensation.

15 Q. With respect to the proximity of homes to  
16 the proposed routes, how did you determine the  
17 proximity of homes to either the alternate or the  
18 primary route?

19 A. Based on a review of high resolution aerial  
20 photography and also based on helicopter  
21 reconnaissance, we felt that we conservatively  
22 identified where existing buildings that appeared to

1       be residences were located along the routes, and then  
2       we basically just counted those assumed residences  
3       within different categorical distances from the  
4       representative centerline of ATXI's proposed routes.

5           Q.     So with respect to your determination of  
6       proximity of homes to the route, that's not based on  
7       actual physical land surveying?

8           A.     That is correct.

9           Q.     Ms. Murphy, do you have Exhibit 13.0  
10      Revised, your revised testimony?

11          A.     Yes, I do.

12          Q.     Referring you to page 18.

13          JUDGE YODER: I'm sorry. You said page 18?

14          MS. HARMON: Yes, page 18.

15          Q.     On line 379, actually, lines 376 through  
16      381, you're talking about the impact that the  
17      environmental concerns raised by certain witnesses in  
18      this case regarding agricultural use of farming  
19      operations, and your testimony is that these concerns  
20      don't recognize that the landowner will retain all  
21      rights except easement rights and are not relevant to  
22      the determination of the appropriate route because

1       they are related to the question of the valuation of  
2       property.

3                       So based upon your testimony, would  
4       you agree that the impact of the proposed route on  
5       farming operations is not relevant to the  
6       determination of the appropriate route?

7               A.    No, I do not believe that that is what my  
8       testimony states.

9               Q.    Ms. Murphy, can you read me lines 377  
10       through 381, please?

11              A.    Moreover, they are typically concerns that:

12                    1) do not recognize that the landowner  
13       will retain all rights except easement rights; for  
14       example, they may continue to farm under the  
15       transmission line.

16                    2) are not relevant to the  
17       determination of the appropriate route because they  
18       are related to the question of valuation of property.

19                    3) can be addressed with a detailed  
20       design of the route and construction mitigation  
21       measures; or.

22                    4) that are otherwise unwarranted

1       because they ignore ATXI's method of easement and  
2       damage compensation.

3           Q.     So basically you're testifying today that  
4       the impact of the proposed route on farming  
5       operations is relevant to the determination of the  
6       appropriate route?

7           A.     I think I've always testified, including  
8       today, that the potential for agricultural impacts is  
9       and has always been a consideration of ATXI within  
10      the route sight analysis.

11                  A portion of my rebuttal testimony is  
12      actually, if I can point you to the subsequent  
13      statements, is making reference to mitigation  
14      measures and compensation procedures that were  
15      addressed previously by Mr. Murbarger and Mr. Trelz.

16          Q.     And with respect to those mitigation  
17      measures, again, with respect to placement of the  
18      line on a property, and there's a distinction between  
19      compensating a farmer for impact to his property  
20      versus considering those factors in locating the  
21      route, is it your testimony that it is not relevant  
22      in the, as you testified here, not relevant to the



1 determination of an appropriate route because they  
2 are related to the question of valuation?

3 MR. WHITT: I'll object. It's asked and  
4 answered.

5 MS. HARMON: I'll rephrase.

6 JUDGE YODER: Okay. Rephrase.

7 Q. BY MS. HARMON: Ms. Murphy, is it your  
8 testimony that if a farmer is compensated under an  
9 easement that their concerns are not relevant  
10 regarding the determination of an appropriate route?

11 A. No. Again, the statement that you keep  
12 referring to talks about the determination of route  
13 as it relates specifically to the question of  
14 valuation of property, not agricultural impacts in a  
15 general sense, and any question as it relates to  
16 compensation procedures, I again would have to refer  
17 you to the testimony of Mr. Trelz.

18 Q. So you would agree if the proposed route  
19 were to split a particular farm, that would be  
20 relevant on whether it was appropriate for the route  
21 to be located on that particular parcel?

22 A. Of course that's relevant. We looked at

1 field lines and property lines and various types of  
2 opportunities as potential routing options.

3 MS. HARMON: Thank you. I have nothing  
4 further.

5 JUDGE YODER: All right. Thank you.

6 MCPO?

7 MR. ROBERTSON: I need to find my notes.

8 JUDGE YODER: We can take a five-minute break.

9 (Recess taken.)

10 JUDGE ALBERS: Back on the record.

11 Mr. Robertson, do you have any cross  
12 of the witness?

13 MR. ROBERTSON: I just have a few questions. I  
14 don't think this will take very long.

15 My name is Eric Robertson first of  
16 all. I represent the Moultrie County Property  
17 Owners.

18 CROSS-EXAMINATION

19 BY MR. ROBERTSON:

20 Q. Ms. Murphy, let me ask you, is it correct  
21 that in the company's initial filing, ATXI shows as  
22 its more costly route, and by costly I mean base

1 costs, the route between Quincy and Meredosia as its  
2 primary route? And I'd ask you to accept subject to  
3 check that is the case according to staff data  
4 request NG 1.32 which you responded to?

5 MR. WHITT: If the witness can answer, I'm fine  
6 with that, but it may help to see the request.

7 JUDGE YODER: Do you have the data request that  
8 she could review it, Mr. Robertson?

9 (Whereupon Attorney Robertson  
10 handed a document to the  
11 witness.)

12 JUDGE YODER: Thank you.

13 Do you want Mr. Robertson to restate  
14 the question?

15 THE WITNESS: If you would, please.

16 Q. BY MR. ROBERTSON: The question is it's my  
17 understanding that in its initial filing in this case  
18 when it filed its direct testimony, ATXI had selected  
19 a route that was more costly and potentially longer  
20 between Quincy and Meredosia as its primary route in  
21 this case?

22 A. That is true, and as I --

1           Q.    All right.  That's my only question right  
2           now.

3                       Now, would you agree that in some  
4           cases, if the proposed route better meets the routing  
5           criteria that you developed in your public process,  
6           you might want to use that route as the recommended  
7           or primary route even though it might be somewhat  
8           longer and have a somewhat higher base cost because  
9           it better matches the routing criteria developed in  
10          your public process?

11          A.    I would agree with that.

12          Q.    Okay.  And I'd like to talk to you about  
13          the public process if I may.

14                       The public process, is that a general  
15          description of the process that ATXI initiated based  
16          on the requirements in the Section 8-406.1 of the  
17          Public Utilities Act that the company should hold  
18          public meetings on its route or its proposed project  
19          before it filed its transmission siting case?

20          A.    That is true of the open houses but we had  
21          other meetings as well.

22          Q.    Now, over what period of time, what length

1 of time approximately did it take ATXI to set up  
2 those meetings?

3 A. For each round of public meetings, those  
4 meetings were actually planned and booked in a fairly  
5 expeditious fashion just given the number of meetings  
6 per phase.

7 Q. Well, I mean, you didn't do it in a week.

8 A. In some cases, we did have as little as a  
9 week because we had to also notice those meetings as  
10 required by 406.1.

11 Q. And as I understand it, in some cases, the  
12 notices wouldn't be published any earlier than three  
13 weeks before the meeting took place, is that right?

14 A. At least the preceding three-week  
15 requirement at a minimum pertains to the first round  
16 of public meetings, and there is a requirement, yes.

17 Q. But there was a time period that had to  
18 pass between the time ATXI gave notice and the time  
19 the meeting was actually held?

20 A. That is correct.

21 Q. And as I understand it, when was the first  
22 meeting -- strike that.

1                               When was the first meeting initiated?

2                   A.     Can you explain what you mean by  
3     initiated...when did it occur?

4                   Q.     When did the first notice go out or when  
5     was the first notice of any meeting published?

6                   A.     Given that the first round of public  
7     meetings commenced in May, notices for that round of  
8     public meetings were published in April of 2012.

9                   Q.     All right. And when was the last public  
10    meeting held?

11                  A.     The very last public meeting was held on  
12    October 11, 2012.

13                  Q.     Is there any requirement in the Act that  
14    you're aware of that anyone other than the utility  
15    hold public meetings?

16                  A.     Not that I'm aware of, no.

17                  Q.     You have an exhibit attached to your direct  
18    testimony which I think is Exhibit 4.5.

19                               Would you take a look at it real  
20    quick?

21                  A.     Yes, if you can give me just a moment.

22                  Q.     Sure.

1           A.    Yes, I'm looking at Exhibit 4.5.

2           Q.    And what is the nature of that exhibit?

3           A.    ATXI Exhibit 4.5 provides a quantitative  
4 comparison of the environmental features that occur  
5 along ATXI's proposed routes.

6           MR. ROBERTSON:  Hang on for just a second if  
7 you would, please.

8                    You lucked out, Ms. Murphy.  My  
9 computer got locked up, and I can't get to where I  
10 want to get to, and it's been a long day already, so  
11 I'm going to stop my cross.

12           JUDGE YODER:  Thank you, Mr. Robertson.

13                    The Ragheb family I believe had some  
14 cross.

15           MR. ADAM RAGHEB:  Yes.

16                    Hello, Ms. Murphy.  My name is Adam  
17 Ragheb, and I'm a member of the Ragheb family.

18                    CROSS-EXAMINATION

19           BY MR. ADAM RAGHEB:

20           Q.    I'm going to ask you a few questions  
21 relating to clarifications of your rebuttal  
22 testimony, ATXI Exhibit 13.0 starting at page 67 and

1 Exhibit 13.9 of yours.

2 And just to set a positive, you are  
3 aware that we do agree with ATXI's rebuttal  
4 recommended route for the Sidney to Rising portion,  
5 and that's the primary route that utilizes existing  
6 easements.

7 Is that your recommended route?

8 A. Yes, that's my understanding.

9 Q. And is it also your understanding that  
10 where our routing opinions would differ is if for  
11 some reason the alternate route gets put back on the  
12 table.

13 Is that your understanding based on  
14 available testimony?

15 A. It is my understanding based on the  
16 testimony that was provided by Dr. Ragheb that he was  
17 concerned about the alternate route because it  
18 affected his property.

19 Q. Okay. Let's refer to lines 1447 through  
20 1453 of your rebuttal testimony. You were asked  
21 if --

22 A. I'm sorry. Could you restate where



1       you're...

2               Q.     1447 to 1453, page 67.

3               A.     Thank you.

4               Q.     Is it correct that you were asked if the  
5       alternate route proposed by the Ragheb family is a  
6       viable option? You were asked that, correct?

7               A.     That is correct, yes.

8               Q.     And beginning in line 1449, you offered two  
9       reasons in your opinion why it is not viable.

10              A.     My response to that question actually  
11       provides three reasons why I felt that the Ragheb  
12       family alternative was not a viable option.

13              Q.     Okay. You do state that our modification  
14       adds five dead-end structures.

15                     Does the presence of additional  
16       dead-end structures in itself render a route  
17       nonviable?

18              A.     My comment in response to that question  
19       actually made reference to Mr. Rockrohr's testimony,  
20       and I believe he identified, as I do in line 1450,  
21       that dead-end structures adds additional cost.

22              Q.     Right. But just having a dead-end

1 structure in itself does not render a route unviable?

2 A. No. All routes are required to have  
3 dead-end structures.

4 Q. Okay. You continue on to state that an  
5 alternative route would be located within closer  
6 proximity to a greater number of existing residences,  
7 and just for clarification, our route is a  
8 modification to ATXI's alternate, and you compared to  
9 ATXI's primary route.

10 Is that correct or did you mean the  
11 alternate route of ATXI?

12 A. No, because again, I'm advocating in my  
13 rebuttal testimony that ATXI's rebuttal recommended  
14 route is ATXI's primary route, but actually, in  
15 either case, now that you raise the question, the  
16 alternative proposed by the Ragheb family would  
17 impact more homes than either ATXI's primary or  
18 ATXI's alternate in that area.

19 Q. And have you submitted any quantitative  
20 testimony to support that comparison between our  
21 alternative route and ATXI's alternative route?

22 A. ATXI Exhibit 4.5 would include the number

1 of residences within different categorical distances  
2 of ATXI's proposed routes, and the lines that you're  
3 referencing in ATXI Exhibit 13.0 also provides the  
4 number of homes that would occur along the Ragheb  
5 family alternative route.

6 Q. All right. In regards to the flight park,  
7 you state that regulatory approvals are still pending  
8 and may alter its location on lines 1568 and 1569 of  
9 13.0.

10 Do you have any evidence to suggest  
11 that the FAA or IDOT plans to suggest or has  
12 suggested an alternate location for this flight park?

13 A. I do not. My comments in my rebuttal  
14 testimony were actually based on responses received  
15 by Dr. Ragheb in response to data requests from ATXI.

16 Q. Okay. But you have not received any  
17 evidence suggesting it may move?

18 A. No, I have not.

19 Q. In lines 1569 through 1572, you state that  
20 ATXI has requested the anticipated dates of  
21 construction and, quote, "The Ragheb family has not,  
22 as of the date of this filing, provided the

1 information requested."

2 Is that your statement?

3 A. That is correct.

4 Q. Okay. Are you aware of an e-mail that was  
5 sent on April 12, 2013 to ATXI's counsel Ms. Zehr and  
6 Mr. Dearmont in response to a number of requests and  
7 some of those relating to the ultralight flight park?

8 A. I'm sorry. I don't recall the details of  
9 those e-mails.

10 Q. In that letter, we did state to ATXI's  
11 counsel, "The anticipated construction dates occur in  
12 the year 2013 and after the wheat crop currently  
13 planted is harvested and the required approvals are  
14 granted."

15 Based on your experience growing up on  
16 a farm and your experience with getting approvals  
17 from either the state or the government, do you feel  
18 that is an adequate description of our anticipated  
19 construction dates being after we have the required  
20 approvals and after the wheat crop currently in the  
21 field is harvested?

22 A. If you're asking me from a procedural

1 perspective is it appropriate to identify that  
2 construction would take place after all necessary  
3 approvals have been obtained, I would agree with  
4 that, but as to the timeframes that you've  
5 identified, I cannot support or refute those. I  
6 wouldn't know.

7 Q. You say we haven't given anticipated dates  
8 of construction, and I'm saying when that wheat crop  
9 is done. Is that specific enough?

10 A. No, because I believe Dr. Ragheb also  
11 identified this morning that obtaining the necessary  
12 approvals would take time, and I don't believe he  
13 identified the time it would take to obtain those  
14 approvals.

15 Q. Okay. But would you agree that we've at  
16 least attempted to provide you with that information  
17 of roughly when it's proposed for construction?

18 A. I don't have the e-mail you're referencing  
19 in front of me.

20 Q. Okay. I guess assuming everything I've  
21 said about it is correct.

22 A. Based on what you've described here today,

1 I think you've attempted to provide information that  
2 was requested.

3 Q. And you also talk about the date of the  
4 initial filing.

5 Does the date of the initial filing of  
6 those documents to the FAA have any physical impact  
7 on whether ATXI's power lines would interfere with a  
8 proposed flight park?

9 A. I'm sorry. I'm going to have to ask you to  
10 repeat that question.

11 Q. Does the date we filed those documents to  
12 the FAA have any physical impact on whether, as  
13 proposed, that flight park would be affected by  
14 ATXI's power line along the alternate routes?

15 A. Potentially pending what route is approved  
16 by the Commission, and I say that because I believe  
17 that it's ATXI's intent to work with all landowners  
18 affected by the route that is ultimately approved by  
19 the Commission to address property specific  
20 considerations.

21 Q. Okay. I'm almost done with the flight  
22 park.

1                   In line 1572, you state, "Further,  
2           given the Ragheb family's evidence depicting the  
3           existence of 50-foot tall trees near the location of  
4           the flight park, I do not believe that the alternate  
5           route would, in fact, prevent construction or  
6           operation of the proposed flight park.

7                   Is that correctly stating what you've  
8           said?

9           A.     Yes.

10           Q.     Okay. Are you aware -- you reviewed I  
11           guess Ragheb Family Exhibit 1.3. I'd like to direct  
12           you to page 4 of that document. These were submitted  
13           both to ATXI and the FAA as evidence, and I'd like to  
14           direct you to directly southwest of what's labeled  
15           proposed runway. There's a label stating County  
16           Highway 600.

17                   Do you see that spot?

18           A.     Yes, I do.

19           Q.     If I were to tell you that those trees are  
20           located at the approximate location of the CO, would  
21           you have any reason to doubt that?

22                   You can also look at page 2 which is

1       satellite imagery of the area.

2           A.    I see on Ragheb Exhibit 1.3 the trees that  
3       you're referencing.

4           Q.    Okay.  And would you agree that they're  
5       somewhere in the vicinity of the CO on that County  
6       Highway 600 on page 4?

7           A.    That is true.

8           Q.    All right.  You are familiar with reading  
9       topographical maps I assume?

10          A.    Yes.

11          Q.    Okay.  By reading that, can you indicate  
12       the elevation change between the south portion of  
13       what's marked as the runway and that location on  
14       County Highway 600?

15          A.    It declines in elevation generally speaking  
16       as you move south from the south end of that runway.

17          Q.    And approximately how many feet?

18          A.    To where the CO is labeled?

19          Q.    Yes.

20          A.    On Exhibit 1.3?

21          Q.    Yes, page 4.

22          A.    It declines roughly 30 feet.



1           Q.    I would suggest it's more in the vicinity  
2           of 40, 50 feet, but, I mean, that's, you know, that's  
3           acceptable.

4                        So as a result, 50-foot trees in an  
5           area declining somewhere between 30 and 50 feet,  
6           would those then penetrate the plane of the proposed  
7           runway by 50 feet or would it be somewhere between  
8           zero and 20 feet?

9           A.    I don't know that I can answer your  
10          question because while we can talk about the height  
11          of trees near the end of the runway, I ultimately  
12          don't know what the height of your runway may or may  
13          not be when it's constructed.

14          Q.    But I guess what I'm trying to establish is  
15          you claim that those 50-foot trees may interact with  
16          that runway, and I'm trying to make the point that  
17          those are 30 to 50 feet lower than the runway plane.

18                        Would you disagree with that point?

19          A.    As they are roughly 50 feet today, but  
20          short of those trees being removed, I would think  
21          that that would continue to be a consideration for  
22          you.

1           Q.    Let's move to ATXI Exhibit 13.9, pages 1  
2           through 3.

3           A.    Just for clarification, you said 13.9?

4           Q.    13.9, yes, the rebuttal testimony, and I'd  
5           also like to direct you to Ragheb Family Exhibit 1.4,  
6           Part 2, page 1.

7           A.    Okay. I have ATXI Exhibit 13.9, and, I'm  
8           sorry. What was the other exhibit?

9           Q.    In the handouts I provided you, it would be  
10          Ragheb Family Exhibit 1.4, Part 2, page 1. It would  
11          be near the back of the pile.

12          A.    Okay. I believe I have it.

13          Q.    Did you have a chance to review this  
14          document prior to filing Exhibit 13.9?

15          A.    No, I did not.

16          Q.    Okay. So I guess to summarize what is  
17          argued in this is we present a map depicting what we  
18          allege are some inaccuracies in the depiction of  
19          existing 138-kilovolt lines between the southeast  
20          portion of Urbana and Sidney.

21                       I guess I would ask you if there was  
22          more time available to you, would you have had a

1 chance to review this document?

2 A. No, because the -- I'm kind of struggling  
3 as to what distinction you're trying to make.

4 I believe if I look at Ragheb Family  
5 Exhibit 1.4, you've mapped what you believe are  
6 existing 138 kV and existing 69 kV lines.

7 Q. Let's do just the 138s.

8 A. Okay.

9 Q. You addressed the 69s in your testimony.

10 As I said, I mean, so we have  
11 suggested that those routes of those existing 138s as  
12 presented by ATXI were incorrect based on our field  
13 reconnaissance of the area.

14 If someone were to suggest that your  
15 information were incorrect, wouldn't it be reasonable  
16 to want to at least review that?

17 A. Well, in this particular case...well, first  
18 let me say that the location of the existing line is  
19 as it was mapped by you and was provided by ATXI.

20 And second, I would say that the area  
21 that you are pointing to, that I think you're  
22 pointing to that you're trying to identify that there

1        may be discrepancies between the exact locations of  
2        138 kV facilities is within proximity to the Village  
3        of Sidney.

4            Q.     Yes, between Sidney and Urbana.

5                    I guess what I'm basically asking is  
6        we've suggested that the information in 13.9 is  
7        incorrect as it refers to those 138s, and had you had  
8        more time, would you have made a reasonable effort to  
9        try and figure out the exact location of those lines  
10       so that your maps may be accurate?

11            A.     No, because again, the lines as they are  
12        mapped on ATXI Exhibit 13.9, those are intended to  
13        represent the representative locations of existing  
14        transmission facilities, and the portions of these  
15        138 kV lines between the Village of Sidney and the  
16        City of Urbana are not located along any route  
17        currently within this proceeding.

18                    So, no, I --

19            Q.     So you would be okay with presenting a map  
20        with incorrect information?

21            A.     Based on what I just commented, the lines,  
22        existing lines as we have them mapped, is just a

1       general representation of where those lines occur.

2               Q.     But the general location of existing lines  
3       may have an impact on where proposed lines would go.  
4       Am I correct in that?

5               A.     As part of this proceeding, I would say no  
6       because no routes that have been brought forward by  
7       ATXI or any other party parallel these 138 kV lines  
8       that you are calling into question.

9               Q.     But if you look at ATXI's proposed primary  
10      route and the southern of the two routes, existing  
11      138s between Champaign and Urbana, I see near the  
12      southwest portion of Sidney those, according to ATXI  
13      13.9, come very close to one another, and actually,  
14      the primary route dips south.

15              A.     Right. And I would say there that the  
16      primary route as it is drawn on ATXI's Exhibit 13.9  
17      actually parallels the 138 kV line in its true  
18      location as you have identified on Ragheb Family  
19      Exhibit 1.4.

20              Q.     I believe that's incorrect because Ragheb  
21      1.4 shows that kV line approaching Sidney from the  
22      north, not the south.

1           A.    We're talking about two very different  
2           levels of detail of maps, so I don't know that I can  
3           tell you...

4           Q.    If I told you that while your map shows  
5           that 138 approaching Sidney from the south and that  
6           ours shows it approaching from the north, do you have  
7           any reason to doubt the interpretation of those two  
8           maps?

9           A.    Honestly, I would need to look at high  
10          resolution photography as you have done to determine  
11          that.

12          Q.    Okay.  So you say you'd need to look at  
13          high resolution photography, and that would require  
14          additional time, correct?

15          A.    No.  I mean, yes, yes, I can concede it  
16          would take additional time.

17          MR. ADAM RAGHEB:  Okay.  Thank you.  I'm done.

18          JUDGE ALBERS:  All right.  Let's take a quick  
19          break here.

20                               (Recess taken to switch out  
21                               court reporters)

22

1 (Whereupon at 3:34 p.m. the  
2 proceedings were hereinafter  
3 stenographically reported by  
4 Carla Boehl.)

5 JUDGE ALBERS: Back on the record.

6 CROSS EXAMINATION

7 BY MR. MORAN:

8 Q. Ms. Murphy, my name is Bill Moran. I  
9 represent Rural Clark and Edgar County Concerned  
10 Citizens so I am dealing with that Kansas City  
11 substation to the Indiana line. I do have one piece  
12 of paper that I would like you to look at. It is  
13 actually ATXI's Exhibit Number 13.8, page 1. I have  
14 also marked it as Cross Exhibit Number 1 for my  
15 client.

16 JUDGE ALBERS: If it is already marked as part  
17 of your testimony, we will just keep it as that.

18 Q. Okay. I just wanted to make sure  
19 everything was covered. This is a map of the segment  
20 where my clients' properties lie between the Kansas  
21 substation and the Indiana line. On the map itself,  
22 the bluish green line, that is the primary route that

1 was suggested by your company and adopted by ATXI, is  
2 that correct?

3 A. Recommended from an environmental  
4 perspective, but you are correct it is ultimately  
5 ATXI's decision.

6 Q. And the orange line, that's what originally  
7 was ATXI's alternative route through this area but  
8 now we are calling it the Rebuttal Recommended Route?

9 A. That is correct, yes.

10 Q. And, finally, the yellow and black dotted  
11 line and there are -- it follows together for a  
12 while, then splits after it crosses Highway 1, those  
13 are suggestions that Stop the Power Line made and  
14 those were their first and second alternative routes?

15 A. That is my understanding, yes.

16 Q. And the difference between the two is the  
17 first route, it cuts straight east basically to the  
18 Indiana line, whereas the second alternative route  
19 follows the same path until it crosses Highway 1.  
20 Then it cuts down to the southeast, eventually joins  
21 the Rebuttal Recommended Route, and then cuts to the  
22 Indiana state line?



1           A.     That is correct.

2           Q.     Mr. Kalb touched on this a little bit, but  
3     he kind of broke up what your statements were. In  
4     your original direct testimony, page number 6, lines  
5     113 to 119, you testify "For electric transmission  
6     lines advantageous site opportunities can be  
7     characterized by corridors with the potential for  
8     sharing right-of-way or running alongside existing  
9     facilities, infrastructure and landscape features.  
10    Opportunities include existing right-of-ways, section  
11    lines, property lines, and field lines. These  
12    features are characterized as opportunities in that  
13    they may be advantageous or more compatible for  
14    parallel collocation of a new transmission line. In  
15    simplest form, like features by like features."

16                         So essentially what you are saying  
17    here as a planner is that, if a trail has already  
18    been cut or blazed through an area by some feature,  
19    that if you are an astute planner, you are going to  
20    look at that as an option to run a power transmission  
21    line?

22           A.     I generally agree with you. But I would

1 characterize the analysis of different linear  
2 features as including existing rights-of-way and the  
3 other features that you described that are already  
4 identified in Exhibit 4.0. Really what determines  
5 whether or not any one of those types of  
6 opportunities is advantageous or potentially more or  
7 less compatible is the extent of environmental  
8 sensitivities that occur along the various types of  
9 opportunities.

10 Q. But part of it is just common sense, that  
11 if some feature has already gone through an area,  
12 that it may be easier to follow that feature through  
13 instead of cutting your own brand new path from new  
14 cloth?

15 A. Yeah, I would generally agree with that  
16 proposition.

17 Q. And in this case if you look at Exhibit  
18 13.8, page 1, when you designed the primary route,  
19 you took that lesson to heart. And in the portion on  
20 the western side of the project, there is a maybe  
21 nine or ten-mile stretch when the primary route  
22 follows an existing 138 kV line, is that correct?

1           A.    I am going to have to back you up.  If you  
2   can restate what your characterization was of the  
3   primary route at the western end?

4           Q.    Sure.  After the first right turn that  
5   heads straight south, then there is a section that  
6   heads mainly in a southeasterly direction of nine or  
7   ten miles in a straight line.  That's a line or a  
8   portion of the primary route that follows a 138 kV  
9   line that already exists.

10          A.    That is true, yes.

11          Q.    And so this is a situation that you looked  
12   at, you said that's already there, this is a good  
13   place to follow that line straight down to the  
14   southeast?

15          A.    Yes, that is true.

16          Q.    Then it cuts across and you go to the  
17   Indiana line through the middle of Clark County?

18          A.    That is correct, yes.

19          Q.    And as far as primary routes go, again I  
20   will point you to your original direct testimony on  
21   page 8, lines 173 to 175, you say, "The primary route  
22   for each portion of the project was selected as the

1 route having the least potential for overall input"  
2 -- or impact, sorry, "all things considered as  
3 discussed herein among the proposed routes." And so  
4 that statement is true as far as the primary route is  
5 concerned here?

6 A. That is true, yes.

7 Q. In recommending this route, did your  
8 company make any technical mistakes as far as saying  
9 this has the least potential for overall impact?

10 A. No, I don't believe so.

11 Q. Did you make any errors in judgment, calls  
12 that you had to make when, let's say, that there were  
13 equal factors in judgment or experience that had to  
14 come into it? Did you make any mistakes there?

15 A. No, I don't believe so. The results of the  
16 environmental comparison of ATXI's proposed route is  
17 provided in ATXI Exhibit 4.5, and I am not aware of  
18 any error or omission in that exhibit.

19 Q. So at least as far as you are concerned  
20 from an environmental perspective, this is still a  
21 viable route, the primary route?

22 A. Yes, it is.

1           Q.    I will next have you look at the Rebuttal  
2   Recommended Route which is the orange line.  And the  
3   portion that I am mainly concerned with is the --  
4   again, it looks like it is a 9, 10, 11 mile stretch  
5   that is running from west to east that starts right  
6   at where it crosses the primary route and then heads  
7   to Highway Number 1.

8                        Would you agree with me that this runs  
9   directly along the Edgar and Clark County line?

10          A.    Yes, I would agree with you.

11          Q.    Are there any linear features along that  
12   line that you are aware of?

13          A.    Yes, I believe that route parallels a  
14   section line.

15          Q.    A section line.  Is there a road there?

16          A.    There may be in portions.  We provided  
17   detailed maps in ATXI Exhibit 4.2.  I can certainly  
18   grab those maps if you want.

19          Q.    Well, if they would show you if there is a  
20   section that is in fact road along that area, I would  
21   like you to do that.

22          A.    Okay.  Bear with me.

1 (Pause.)

2 There is various lines that are -- if you  
3 look at pages -- ATXI Exhibit 4.2, Part 88 of 100 --  
4 bear with me.

5 (Pause.)

6 Again, it is ATXI Exhibit 4.2, Part 80 of  
7 100, page 1 of 2 and 2 of 2; ATXI Exhibit 4.2, Part  
8 89 of 100, pages 1 and 2 of 2. And it does appear  
9 that as that route extends east along a section line,  
10 that a road coincides with that section line along  
11 portions of that segment as well.

12 Q. Of portions of the section. There is not a  
13 county line road that goes all the way across?

14 A. That is correct because the alternate route  
15 does deviate north as it moves east and follows a  
16 property line rather than the section line.

17 Q. And the section line, that's not a physical  
18 structure; it is just the way the land has been  
19 platted out?

20 A. It is true it is not a physical structure.

21 Q. There is not a line on the ground. In this  
22 case there is not a road all the way across. So you

1     couldn't tell if you were flying above it if in fact  
2     the section line was there?

3           A.     I don't know that I would agree with you  
4     because I don't need to see a section line. In any  
5     case, section lines coincide with property lines.  
6     And the reason we look at section lines and property  
7     lines is, while they may not serve as a physical  
8     linear feature, they may serve as a more  
9     administrative linear feature where the area in many  
10    cases would be two separate property lines on either  
11    side of that section line or property line.

12           Q.     But that's not always true. Some farms go  
13    across section lines and you couldn't tell that a  
14    section line ran through the middle of it?

15           A.     That is certainly true and that's why we  
16    also look at field lines because we made every effort  
17    to try to make use of what appeared to be field lines  
18    based on crop rotations and parallel those where --  
19    parallel those field lines where there are  
20    opportunities that a line would not disrupt the  
21    sediment path along that field line.

22           Q.     For this section, the section that we are

1     talking about, the essentially straight line, how  
2     would you respond to the criticism that this appears  
3     to be an attempt to blaze a new trail right across,  
4     what I called in symptom of my pleadings, virgin  
5     territory, territory that doesn't have roads, doesn't  
6     have pre-existing transmission line, doesn't have a  
7     drainage ditch that it follows all the way along; it  
8     doesn't have a sanitary canal that it follows, a  
9     highway, that this is all virgin territory that this  
10    is going through?

11           A.     With your use of virgin territory meaning  
12    that there is no existing transmission line, I would  
13    agree that we are not locating parallel to an  
14    existing transmission line.  But, again, it is more  
15    based on the features, the collective extent of  
16    features, that occur along any type of existing  
17    linear feature.  And we have made, you know, our best  
18    effort to try to incorporate the -- excuse me,  
19    incorporate the input that we have received and  
20    identify routes that would allow for the least amount  
21    of environmental impact.

22           Q.     Maybe this is a question that I should have



1 reserved or should have reserved for Mr. Trelz,  
2 T-R-E-L-Z. But does property like this that is not  
3 burdened by easements or right-of-ways already, is it  
4 more expensive to go across property like that in  
5 comparison to places where there already are  
6 existing?

7 A. I would agree with you that probably you  
8 should have addressed that question to Mr. Trelz. I  
9 did not address that in my testimony.

10 Q. So you don't take any economic  
11 consideration into effect when you talk about the  
12 environment?

13 A. That is correct. The environmental  
14 criteria are identified in ATXI Exhibit 4.1.

15 Q. Let's talk about Stop the Power Lines'  
16 first and second alternative routes. And my clients  
17 have supported this route because there is a section  
18 right from the beginning that follows a 138 kV  
19 existing line straight out of the Kansas substation  
20 and goes again for, it appears to be, 9, 10, 11, 12  
21 miles along that existing ground. In this case isn't  
22 that a corridor that you should have considered as

1 far as the environmental impacts were concerned?

2 A. We did look at potential route alternates  
3 other than the proposed routes that were carried  
4 forward by ATXI. But in review of the routes that  
5 had been proposed by Stop the Power Lines, this  
6 particular corridor that you are referring to there  
7 are actually a number of existing residences that are  
8 immediately along that corridor, and I think those  
9 concerns have been raised within my rebuttal  
10 testimony as well as the testimony of Mr. Rockrohr.

11 Q. But even if there is residences there, they  
12 are already burdened by the fact that there is a  
13 power line running through their backyard.

14 A. I am not those residents. I don't know  
15 that I could characterize their burden.

16 Q. So you don't agree that a right-of-way for  
17 a transmission line over a piece of property is a  
18 burden on that property?

19 A. It potentially may not be. I can't say  
20 that in all cases that every property owner would  
21 conceive a transmission line and its infrastructure  
22 as a burden.

1           Q.     In what manner could it not be a burden?  
2     How could it be a plus or a benefit to a piece of  
3     property?

4           A.     I have actually worked on projects in areas  
5     of the country, mainly in the southwest, where  
6     existing utility rights-of-way actually serve as  
7     landmarks for people that tend to recreate in broad  
8     open areas.  So I would say that, based on the  
9     positive, I think in urban areas oftentimes the  
10    transmission lines rights-of-way and other  
11    infrastructure rights-of-way are used for green space  
12    or parkways.

13                         So, again, I don't think that I can  
14    characterize the extent of a burden or whether it is  
15    -- the impact is positive or negative.

16           Q.     But none of those two things are here.  We  
17    are not in a desert and we are not in an urban area.

18           A.     While we are not, I can also say, though,  
19    that the problems with the route that was identified  
20    by Stop the Power Lines is the existing residence,  
21    and I don't feel that it would be appropriate for  
22    AXTI to have ignored that those residences occur

1 along that particular line.

2 Q. Let's talk about Alternate 1 from Stop the  
3 Power Lines. And the main objection I tend to hear  
4 from that, and it involves a concession from my  
5 clients, but is that the terminus of the line is the  
6 Indiana state line and it would require a new switch  
7 yard to be built in Indiana if Alternative Number 1  
8 was going to be used. And that's seen as a problem?

9 A. I don't think that I can testify to what  
10 may or may not be needed in Indiana. What I can tell  
11 you is that the further north that we cross the state  
12 line, it would be more line that is potentially  
13 needed or other facilities in Indiana. As to what  
14 those facilities may or may not be, that's outside of  
15 the scope of my testimony.

16 Q. And while we would concede that the  
17 Commission doesn't have any authority to order a  
18 utility to build something in another state, in your  
19 experience in the over a thousand miles of line that  
20 you have participated in, do adjoining states  
21 sometimes cooperate with each other as far as  
22 transmission line projects are concerned?

1           A.     Sometimes. But in this particular case  
2     where Illinois meets Indiana, Indiana is a state that  
3     doesn't have a state siting process like Illinois  
4     does. So it is hard to draw comparisons between this  
5     particular instance and transmission line projects  
6     that I have supported that have extended across other  
7     state boundaries.

8           Q.     Is Indiana a MISO state?

9           A.     I believe at least portions of it are, yes,  
10    that is correct.

11          Q.     And they don't have a siting process, so it  
12    is easier to get approval for building projects like  
13    this?

14          A.     I don't know that it is easy to get  
15    approval for a transmission line project regardless  
16    of where it is being approved.

17          Q.     But the process isn't as rigorous in  
18    Indiana as it is here in Illinois?

19          A.     Again, the distinction between the process  
20    are state level siting authority versus local level  
21    approval, and I don't think I am in a position to  
22    tell you which one is more or less rigorous. Every

1 state is unique.

2 Q. Where the Rebuttal Recommended Route  
3 crosses into Indiana, it attaches to the Sugar Creek  
4 substation or switch yard, is that correct?

5 A. No, because the Rebuttal Recommended Route  
6 does not extend into Indiana. It stops at the state  
7 line.

8 Q. Okay. So it just stops there. That's the  
9 terminus of it and there is no plan for it to connect  
10 farther east than that?

11 A. There is a plan, but that portion of the  
12 project in Indiana is not part of any proceeding.

13 Q. Is it a pending portion of the project or  
14 do you know?

15 A. I do not know.

16 Q. As far as the second alternative route is  
17 concerned, you address that in several different ways  
18 in your rebuttal testimony and I will point you to  
19 page 59 of Exhibit 13.0. And there starting on line  
20 1257 you are asked, "Why does STPL's second  
21 alternative route proposal, which connects to ATXI's  
22 alternate route, not present a viable alternative for

1     this portion of the project," and the first thing you  
2     say is this alternative route proposal also impacts  
3     the Wabash gas storage project, is that correct?

4             A.     That is correct.

5             Q.     And the Wabash gas storage project, that's  
6     an underground storage facility?

7             A.     That's my general understanding, but I am  
8     not involved in that project so I don't know the  
9     details of that project.

10            Q.     So why did you lead off with that in your  
11     answer?

12            A.     Because I think it is a very relevant  
13     point. It is a project that has been identified, it  
14     is my understanding, that is at least pending or may  
15     have some necessary permit approvals, and I think  
16     that it would be appropriate to at least consider  
17     that project and the impacts of this project on that  
18     project or vice versa when we talk about projects on  
19     the route that is proposed as part of this project.

20            Q.     I am trying to figure out, though, where  
21     you have underground storage and you have lines that  
22     are above the ground, how is that going to be a

1     problem?   How is that not going too work?

2           A.    Well, again, I don't know the details of  
3     that project.   But just because you have a project  
4     that, as you say, may have a fixed value because it  
5     is an underground storage project, there is going to  
6     be facility decisions with that project that are  
7     likely above ground and there is going to be  
8     necessary needs to operate and maintain that facility  
9     that would be above ground.   So I don't know that it  
10    is just as simple as saying we are proposing  
11    something above ground and their project is  
12    underground.

13          Q.    But if the ICC wanted to decide that issue,  
14    they would also have to factor in detailed design or  
15    final design.   There is a possibility that even if  
16    there is some obstruction above ground, that it can  
17    be avoided in final design?

18          A.    Or they could consider how to get around  
19    the identified structures for the project  
20    underground.

21          Q.    Or they could consider construction  
22    mitigation measures as well?



1           A.     Potentially.

2           JUDGE ALBERS:   May I interrupt for a minute,  
3     just for clarification, the Wabash gas storage  
4     project is not currently in existence, correct?

5           THE WITNESS:   I am not -- I don't believe so,  
6     but I am not entirely sure.

7           JUDGE ALBERS:   Can you help me understand  
8     exactly where on your Exhibit 13.8, page 1 of 5,  
9     where that project is being contemplated, if you  
10    know?

11          THE WITNESS:   13.8, page 1 of 5, it is -- if  
12    you can see the community of Paris at the top and the  
13    central portion of that exhibit?

14          JUDGE ALBERS:   Right.

15          THE WITNESS:   It is my understanding that the  
16    Wabash gas storage project is -- portions of it are  
17    located southeast of the community of the Village of  
18    Paris.  That's a fairly large area.  So both Stop the  
19    Power Lines' routes in that portion of the exhibit  
20    would intersect with the Wabash gas storage project  
21    area.

22          JUDGE ALBERS:   Okay.  So the gas storage area

1 would -- it is not just north of the alternative  
2 proposed by STPL; it is also underneath?

3 THE WITNESS: It extends -- yes, it extends  
4 south such that these routes would deter its  
5 functioning.

6 JUDGE ALBERS: Okay. Thank you. I have  
7 nothing else.

8 BY MR. MORAN:

9 Q. But you are not sure, are you?

10 A. I am sure based on the maps that the Wabash  
11 gas storage project has available on that project's  
12 website. But it has not been constructed today, or I  
13 don't believe that it has been constructed.

14 Q. So it is speculative that that's a problem  
15 in this instance?

16 MR. WHITT: I will object as argumentative as  
17 well as speculative. I mean, she said it hasn't been  
18 constructed.

19 JUDGE ALBERS: I am not sure I --

20 MR. WHITT: My objection is to the form of the  
21 question and the characterization of it being  
22 speculative that this storage project would create

1     some problem.

2             JUDGE ALBERS:   Okay.   Overruled.

3             A.     I'm sorry, can you state your question?

4             Q.     (Mr. Moran)   Sure.   It is speculative that  
5     a project that hasn't been built yet is going to be a  
6     problem if the ICC wants to approve this alternative  
7     route?

8             A.     If you are basing your use of the term  
9     "speculative" as to whether or not that project has  
10    or has not been in construction and is currently in  
11    operation, I would agree because I can't tell you  
12    sitting here today if it in fact has been  
13    constructed.

14            Q.     The second thing, you state on page 59,  
15    "Further, it is longer that ATXI's alternative  
16    route."   How much longer is it?

17            A.     I do not have the lengths in front of me to  
18    tell you exactly what the difference is.

19            Q.     But it is not significant; it is not more  
20    than five percent different?

21            A.     Again, I couldn't tell you with certainty.

22            Q.     As far as base costs are concerned,

1 Mr. Rockrohr has now stated that the Stop the Power  
2 Lines' second alternative route is the least cost  
3 route by about \$1.57 million. Do you have any  
4 information to dispute that?

5 A. I do not because I am not responsible for  
6 preparing costs, and I would point you to ATXI  
7 Exhibit 13.3 as to cost comparisons that ATXI  
8 developed.

9 Q. Another portion of the cost analysis  
10 relates to these dead end structures. Have you done  
11 any of the accounting of dead end structures along  
12 any of these routes that we have talked about today?

13 A. Can you clarify for me what you consider  
14 dead end structures?

15 Q. Well, my neophyte view of it is that  
16 wherever a line that's going in a straight line makes  
17 a turn of some significant degree, it looks like more  
18 than 22 and a half percent or degrees, sorry, not an  
19 engineer, that that is a dead end structure. So you  
20 have your right angles, you have angles that are  
21 larger than that and in some cases less than that.  
22 Have you done any of that accounting of dead end

1 structures as far as that's defined?

2 A. No. It would be within the scope of the  
3 responsibilities of Mr. Murbarger and Mr. Hackman to  
4 identify what dead end structures and what degree of  
5 angles may or may not be required along any of these  
6 routes.

7 Q. So, again, you didn't use that as part of  
8 your analysis?

9 A. Outside of characterizing routes, one route  
10 versus another, and making reference to the testimony  
11 of others, no, I did not.

12 Q. The third thing you say, would be located  
13 nearer to a greater number of existing residences.  
14 And later on I think you believe -- you say that it  
15 is located near two residences where it is possible  
16 or there is a potential that the homes would have to  
17 be moved?

18 A. That is true. I state that at line 1261 of  
19 ATXI Exhibit 13.0 Revised, page number 9.

20 Q. And is that a significant factor when you  
21 are talking about a segment that's this long?

22 A. Any time that there is a potential for

1 displacement to an existing residence, I think that's  
2 a significant factor.

3 Q. In this case one of the great features of  
4 this map that your company did was that they marked  
5 where intervenor-owned property was located on this  
6 entire area, is that correct?

7 A. For all portions of the project, to the  
8 extent that we could identify their location, that is  
9 correct.

10 Q. And in this case if you look at the primary  
11 route, there is little blue dots along the whole way  
12 pretty much?

13 A. Yeah, there is like -- yes, you are  
14 correct, there is a higher density of blue dots along  
15 the primary route in this particular exhibit, yes.

16 Q. And then for the Rebuttal Recommended Route  
17 these are mostly my clients that live along this  
18 orange line here, but there are also some Intervenor  
19 that have complained about that alternate route or  
20 the Rebuttal Recommended Route. Then when you look  
21 at Stop the Power Lines, there is one concentration  
22 that is solely on the first alternative route and

1 those people are all grouped in the eastern portion  
2 of the project, is that correct?

3 A. That is true, yes.

4 Q. And when you look at the western portion of  
5 the project, the part that would include the second  
6 alternative route from its start at the Kansas  
7 substation to the point where it joints the Rebuttal  
8 Recommended Route, there is not a single piece of  
9 property where somebody has intervened?

10 A. That is my understanding, yes.

11 Q. And all of these people have received  
12 notice of this proceeding, at least as far as the  
13 record is concerned?

14 A. I can tell you with certainty that  
15 landowners along ATXI's proposed route from end to  
16 end have received notice of this proceeding.

17 Q. And in this case Stop the Power Lines  
18 submitted the names of all of the landowners along  
19 its alternative routes, and the ALJs on February 15  
20 ordered that they be provided with notice from the  
21 Clerk's office?

22 A. It is my understanding, yes, that Stop the

1 Power Lines provided a list of names.

2 Q. Do you think that's unusual? Do you have  
3 any environmental explanation for why nobody has  
4 intervened or complained along that section?

5 A. Again, I think -- sorry, I assume you are  
6 referring again to the western portion of this whole  
7 area?

8 Q. That's correct, from the Kansas substation  
9 to where the second alternative route joins the  
10 Rebuttal Recommended Route.

11 A. And you are asking do I think it's unusual.  
12 I am sorry, can you restate your question?

13 Q. Sure, can you -- maybe unusual isn't the  
14 right word. Do you --

15 JUDGE ALBERS: For clarification, I'm sorry,  
16 the Rebuttal Recommended Route is which color again  
17 on this particular map?

18 THE WITNESS: It is the orange-ish/yellow-ish  
19 color.

20 JUDGE ALBERS: Okay.

21 BY MR. MORAN:

22 Q. Do you see any factor that would have



1 played into the fact or absence of Intervenor along  
2 that stretch?

3 A. I don't believe that just looking at this  
4 map that I can say what led to no intervening parties  
5 along any portion of the route there. It is  
6 different also with Stop the Power Lines' routes.

7 Q. But not just this map here. You know, you  
8 studied this. Your company studied this. You flew  
9 over it at least twice in a helicopter. Anything  
10 that you saw that could explain this admittedly  
11 circumstantial evidence but the fact that the  
12 circumstance exists that nobody has intervened on  
13 that entire stretch?

14 A. Well, I mean, I don't think I can -- I  
15 don't think I am in a position to comment as to why  
16 people choose to intervene or not. I think it is  
17 fair to say that some of the issues that have been  
18 raised by parties that you are representing and other  
19 parties that have intervened in this proceeding have  
20 largely been property-specific concerns. And  
21 candidly speaking, I think they have every right to  
22 advocate their concerns relative to their property.

1 The routes that ATXI has proposed really reflects  
2 what we felt is our best judgment of routes that were  
3 shown on our siting analysis and what we have further  
4 received from the public during the public process.

5 Q. There is the phenomenon of "not in my  
6 backyard." Have you heard that in relation to  
7 transmission lines?

8 A. I have, yes.

9 Q. In this case because there is already a  
10 transmission line there and they have either gone  
11 through the process and found that it is not horrific  
12 or they have gone through the process and they have  
13 learned to live with it, could that be an  
14 explanation?

15 A. Not necessarily because I think it is fair  
16 to say that we spent a lot of time discussing  
17 paralleling or not paralleling existing transmission  
18 lines throughout all portions of this project, and I  
19 think we have heard testimony and -- or we have  
20 discussed related concerns from both sides of that,  
21 of that consideration.

22 Q. And paralleling, just this is my last

1 question, it's a common practice in the industry of  
2 transmission lines; it is done not only in projects  
3 like this here but across the country?

4 A. While it is a common practice to consider  
5 existing transmission lines for some projects, I  
6 wouldn't characterize it as common that routes are  
7 always proposed to be located along existing  
8 transmission lines because, again, the advantages or  
9 disadvantages associated with any existing  
10 transmission line include the environmental features  
11 or sensitivities that occur along those existing  
12 transmission lines' rights-of-way that I think Mr.  
13 Hackman raised in his testimony. In some cases there  
14 may be reliability concerns. So I don't know that I  
15 would agree with you that it is common.

16 Q. Well, you have raised reliability now.  
17 Besides paralleling, there is the practice of dual  
18 circuiting lines, two circuits on the same pole. And  
19 in this project we have even had a section, three  
20 miles, that the ICC has ordered to be dual circuited  
21 from Sidney to Rising. As far as your  
22 recommendations concerning the environment, does dual

1     circuiting, does that enter into the equation at all  
2     or is that something that Mr. Hackman would be the  
3     expert on or the person to ask?

4             A.     Mr. Hackman would be the appropriate  
5     witness to address reliability considerations related  
6     to dual circuiting or double circuiting.

7             Q.     And that doesn't go into your analysis at  
8     all?

9             A.     Outside of considering existing  
10    transmission lines' rights-of-way as potential  
11    opportunities and in evaluating them based on the  
12    features that occur along them, no.

13            MR. MORAN:   Thank you.

14            JUDGE ALBERS:   All right.   Thank you,  
15    Mr. Moran.   Mr. Gauer.

16                        This is off the record.

17                                (Whereupon there was then had an  
18                                off-the-record discussion.)

19            JUDGE ALBERS:   Back on the record.

20                        Ms. Murphy, I just had one clarifying  
21    question.   Mr. Moran was referring to that map,  
22    Exhibit 13.8, and I believe the orange-ish/yellow-ish

1 line is now the recommended rebuttal route?

2 THE WITNESS: Yeah, that's correct.

3 JUDGE ALBERS: Okay. And that turquoise line,  
4 even with or without that dog leg down there for the  
5 watershed easement, that's not what the Company is  
6 advocating for now as far as you know?

7 THE WITNESS: Yes, I am saying as far as the  
8 Rebuttal Recommended Route is what you see is the  
9 orange route, I am sorry.

10 JUDGE ALBERS: Okay. That's fine. Thank you.

11 MR. GAUER: That was on the record, right?

12 JUDGE ALBERS: Yes, I think it was.

13 CROSS EXAMINATION

14 BY MR. GOWER:

15 Q. Ms. Murphy, my name is Ed Gower. I  
16 represent clients in Clark County and that will be  
17 the focus of my questioning. In particular I will be  
18 asking you questions about the federal flood plain  
19 easement in Clark County. I represent Stop the Power  
20 Lines Coalition, Tarble Limestone Enterprises and JDL  
21 Broadcasting.

22 Would you take a look at STPL Cross

1 Exhibit 8? Do you have that in front of you?

2 A. I do, yes.

3 Q. Is that -- on page 2 there is an e-mail  
4 from Dave Hiatt to Leigh Morris dated October 12,  
5 2012, do you see that?

6 A. Yes, I -- you said on page 2?

7 Q. On the second page, they are double-sided.  
8 So it would be the back of the first page.

9 A. Right, and the date of that e-mail is  
10 October 17. Did you say October 17?

11 Q. I intended to.

12 A. Okay.

13 Q. In any event, do you see the e-mail from  
14 Mr. Hiatt to Mr. Morris?

15 A. Yes, I do.

16 Q. Dated October 17, 2012?

17 A. Yes.

18 Q. That e-mail discusses, among others, an  
19 emergency watershed protection flood plain easement  
20 located in Clark County and on land owned by Carolyn  
21 Robinson, do you see that?

22 A. I do, yes.

1           Q.    And then it goes on to say, "These  
2    easements," referring to that easement and another  
3    easement, "must be avoided.  There is very little to  
4    no authority for NRCS to modify the terms of these  
5    conservation easements.  The rights acquired under  
6    these conservation easements are quite inclusive and  
7    would be superior to any right Ameren might obtain  
8    for an overhead power line right-of-way."  Do you see  
9    that?

10          A.    I do.

11          MR. WHITT:  I will object at this point to  
12    there being (a) no foundation and (b) to the hearsay  
13    nature of the statements.

14          Q.    I will lay a foundation.  Ms. Murphy, did  
15    you receive a copy of this e-mail?  Was a copy of  
16    this e-mail forwarded to you on or about October 17,  
17    2012?

18          A.    Yes, it was.

19          Q.    And did you review the e-mail from  
20    Mr. Hiatt at that point in time?

21          A.    I did, yes.

22          Q.    And what -- what, if anything, did you do

1 in response to this e-mail?

2 A. Well, given that attached to Mr. Hiatt's  
3 e-mail was just a map of the general location and  
4 area, the two easements that he mentioned in his  
5 e-mail, I really did -- we reviewed it relative to  
6 the primary route that was being proposed by ATXI and  
7 I didn't feel that he provided us with any  
8 information that would require us to necessarily do  
9 anything with the information he provided.

10 Q. Did it concern you that a federal official  
11 was telling you that a billion dollar project that  
12 you were working on was slated to go across federal  
13 flood plain easement property that you couldn't use?

14 MR. WHITT: I will object. It assumes facts  
15 not in evidence, particularly with respect to the  
16 characterization of Mr. Hiatt as a federal official.  
17 Apparently he works for the federal government, but  
18 it is not clear from this document what the scope of  
19 his authority is, if anything.

20 Q. Mr. Hiatt is identified here as a WRP  
21 biologist and his e-mail address comes from the  
22 United States Department of Agriculture, is that



1 correct?

2 A. That is correct, yes.

3 Q. Okay. Did you understand that Mr. -- when  
4 you read this e-mail, that Mr. Hiatt was in fact a  
5 federal employee commenting upon matters of federal  
6 concern?

7 A. That is correct, yes.

8 Q. All right. Now, did it trouble you that he  
9 was suggesting that the project that you were working  
10 on was designed to cross a federal flood plain  
11 easement and he was telling you that that easement  
12 had to be avoided?

13 A. Not necessarily and for a couple of  
14 different reasons. One, just given the kind of  
15 location and the size of the flood plain easement as  
16 it was provided on the map that Mr. Hiatt provided,  
17 it didn't appear that we needed to adjust our route  
18 in any way based on simply the information he  
19 provided at that time. And second, just based on my  
20 experience in having coordinated with federal  
21 agencies for various types of conservation easements,  
22 oftentimes it really requires a more in-depth review

1 of the design that is being proposed by a particular  
2 project sponsor as well as the terms of any easement  
3 that pertains to a conservation easement to  
4 understand what restrictions may or may not be  
5 provided.

6 Q. So did you contact -- I am sorry, I cut in.  
7 Were you done?

8 A. I was. Thank you.

9 Q. Did you contact Mr. Hiatt to ask him what  
10 his concerns were?

11 A. I personally did not. He had -- it is my  
12 understanding that he attended a public meeting and  
13 he was also sharing information with Mr. Leigh  
14 Morris, as you see here in this e-mail. So since he  
15 already had discussions with a representative of  
16 ATXI, I personally did not contact Mr. Hiatt.

17 Q. And when he told you that the primary route  
18 was designed to cross this easement, did you do any  
19 investigation to determine whether that was in fact  
20 the case?

21 A. Well, I would be sensitive to the use of  
22 the term "design" given the location of the easement

1 relative to the primary route. The primary route  
2 angles across the southern portion of the easement  
3 area. But, again, the route, as it was proposed by  
4 ATXI, has been designed, and I don't know that  
5 Mr. Hiatt or I could characterize what has actually  
6 been designed or will be designed should this route  
7 be approved.

8 Q. So you looked at what he sent, analyzed it  
9 and set it aside, is that a fair statement?

10 A. No, I wouldn't characterize it as having  
11 set it aside. I think it -- I think that it was  
12 information that we, as a collective ATXI, took into  
13 account in its subsequent efforts to better  
14 understand what these terms of the easement were and  
15 if we might actually need to send ATXI counsel that  
16 provided the easements as it pertains to this  
17 portion.

18 Q. Did you contact Mr. Hiatt and say where  
19 exactly -- can you give me a copy of the easement?

20 A. I personally did not, no.

21 Q. Did anybody from ATXI do that to your  
22 knowledge?

1           A.    Because I was not directly involved in the  
2   discussions that Mr. Morris or others may have had  
3   with Mr. Hiatt, I can't tell you.  Is that's a  
4   question --

5           Q.    I am just asking about your knowledge.  To  
6   your knowledge did anyone from ATXI contact Mr. Hiatt  
7   to request a copy of the flood plain easement that  
8   was the subject of this October 17, 2012, meeting?

9           A.    I do not know.  I don't believe so, but I  
10   do not know for certain.

11          Q.    If you would look at, please, and I am  
12   working off your revised Exhibit 13.0, do you have a  
13   Second Revised Exhibit 13.0 as well?  Will the  
14   pagination have changed at all?

15          A.    Yes, I do.

16          Q.    I'm sorry?

17          A.    I have the second revision of ATXI Exhibit  
18   13.0 before me.

19          Q.    All right.  I have the first one, but I  
20   suspect it hasn't changed.  If you look at page 65  
21   starting with the question starting at line 1392 and  
22   continuing on to line 1404, is there a question that

1 starts on line 1392 on the second revised version?

2 A. Bear with me. My pages are out of order.

3 Excuse me, if you can point me to the line?

4 Q. It's the question on page 11 of his direct  
5 testimony. "Mr. Baird offers criticism that the  
6 United States Government did not receive proper  
7 notice of this proceeding due to its property  
8 interest in Clark County, did ATXI provide a list of  
9 landowners as specified in the Commission Rules of  
10 Practice 83 Illinois Administrative Code Part  
11 200.15(h)." Do you see that?

12 A. Yes.

13 Q. And then you go on to say, your answer is,  
14 "Yes, I or ERM employees under my supervision  
15 consulted the Clark County property records in order  
16 to discover the names of all landowners whose  
17 property lies adjacent to, or is crossed" by the  
18 transmission line. In fact, ATXI was intentionally  
19 over-inclusive," and so on. And then you said, "ATXI  
20 chose to include landowners whose property lies  
21 adjacent to its proposed route, not just those whose  
22 property might be crossed by the proposed route.

1 Despite our exhaustive search, the United States  
2 Federal Government was not on our list of affected  
3 landowners because it is not listed by the Clark  
4 County Supervisor of Assessment as an owner of any  
5 land impacted by the route within Clark County." Do  
6 you see that?

7 A. I do, yes.

8 Q. So to your way of thinking, because the  
9 supervisor of assessment didn't have a property card  
10 in their file identifying the federal government, you  
11 had no reason to give the federal government notice  
12 of this proceeding under the Commission rules that  
13 you cite, notwithstanding the fact that Mr. Hiatt had  
14 told you two weeks before you filed the petition that  
15 the federal government owned an easement that lay in  
16 the path of the primary route?

17 A. I think the key term in this response is  
18 that while the federal government may have an  
19 easement across that property, they are not a  
20 landowner. Carolyn Robinson, I believe, is the  
21 actual last taxpayer of record and property owner for  
22 that particular parcel.

1           Q.    Did you have -- do you have much background  
2   in property law or property management?

3           A.    No.

4           Q.    So to your way of thinking, an easement --  
5   a person who owned an easement on property for a  
6   particular purpose isn't a landowner of the property,  
7   correct?

8           A.    That is my understanding, yes.  That the  
9   underlying landowner is in fact the owner of the  
10  easement rights on that property.

11          Q.    Okay.  Do you know whether the assessor's  
12  office keeps a list of any of federal  
13  government-owned property since the federal  
14  government doesn't pay local tax?

15          A.    I can tell you that in other areas of the  
16  project where the federal government is the actual  
17  party that owns property and holds that property in  
18  fee, that the county tax assessors do retain that  
19  information.

20          Q.    Okay.  I think if you would look at -- if  
21  you would look at Exhibit 16, please, can you  
22  identify that for the record?  Do you have 16 in

1 front of you?

2 A. I do.

3 Q. Do I have the wrong exhibit? I am looking  
4 for Mr. Hiatt's public comment. Is that not his  
5 public comment?

6 A. No.

7 Q. That's the wrong exhibit.

8 A. I don't think so.

9 Q. Do you recall Mr. Hiatt subsequently  
10 submitting a public comment in December of 2012  
11 concerning the flood plain easement?

12 A. I do recall his comments, yes.

13 Q. And did you -- after he submitted the  
14 comments in December, did you respond in any way to  
15 Mr. Hiatt's public comment?

16 JUDGE ALBERS: Mr. Gower, by "public comment"  
17 are you referring to the public comment on e-Docket?

18 MR. GOWER: Yes. Yes, sir, I am.

19 A. No, we did not. We believed it was  
20 adjusted toward the Commission.

21 Q. (Mr. Gower) After you saw Mr. Hiatt's  
22 public comment in December of 2012 on e-Docket, did



1     you do anything to investigate the flood plain  
2     easement any further?

3           A.     ATXI or myself personally, I do not believe  
4     that we were allowed to contact Mr. Hiatt. But,  
5     again, we didn't feel like it was necessary to do so,  
6     given the information he provided up to that point.

7           Q.     And then do you recall that there was a  
8     formal letter sent to ATXI's counsel in February of  
9     2013 by certified mail from the state conservationist  
10    for the Natural Resources Conservation Service?

11          A.     Are you referring to STPL Cross Exhibit  
12    Number 9?

13          Q.     I am.

14          A.     Yes.

15          Q.     And did you receive a copy of that sometime  
16    toward the end of February 2013?

17          A.     No, I believe I received a copy of this  
18    letter from ATXI counsel in early March.

19          Q.     And what, if anything, did you do when you  
20    received a copy of that letter?

21          A.     Again, we didn't feel it was necessary to  
22    do anything, given that even with the easement

1 document and I think he subsequently sent another  
2 letter that provided the accurate easement that  
3 pertained to Ms. Robinson's property, and even based  
4 on the additional information that was provided, we  
5 still didn't feel that it was necessary to send an  
6 agent out to the department or, excuse me, the  
7 Natural Conservation Service.

8 MR. GOWER: Counsel, there wasn't a -- I never  
9 received a subsequent letter and would ask for all  
10 communications. So if there is a second letter, I  
11 would appreciate it if it would be produced.

12 MR. WHITT: Well, we will take it under  
13 advisement, I suppose.

14 MR. GOWER: Just check and see if you have it  
15 and give it to me because it was requested. I will  
16 give you the specific data request that called for it  
17 later.

18 Q. So after seeing the certified mail letter  
19 that warned that "The USDA-NRCS policy regarding  
20 infrastructure projects clearly states that it is the  
21 project proponents' responsibility to prove to  
22 USDA-NRCS that impacts to the WRP conservation

1     easement cannot be avoided. The authority to" -- and  
2     then it goes on to say "The EWPP-FPP easements..."  
3     Those are the federal flood plain easements, is that  
4     correct?

5             A.     That is correct, yes.

6             Q.     "EWPP-FPE easements must be avoided, as  
7     USDA-NRCS has no authority under this program to  
8     modify the term of the conservation easement. NRCS  
9     asserts the rights that the USDA acquired under these  
10    two easement programs are superior to rights that  
11    Ameren Transmission Company of Illinois might acquire  
12    to construct the proposed lines." Do you see that?

13            A.     I do, yes.

14            Q.     And you did nothing in response to that  
15    letter, correct?

16            A.     Again, we didn't feel it was necessary to  
17    do so because, as it relates to this particular  
18    easement, I think it's been my experience that  
19    oftentimes agencies that have insurance in  
20    conservation easements, that as a general rule they  
21    do have the preference that you deliberately avoid  
22    them. But there are also situations where, while

1     they may say that it is a must-avoid to the extent  
2     that you can, that depending on what is ultimately  
3     designed and requested by a project sponsor to cross  
4     a conservation, in this case a property easement, it  
5     is at that point in time that there would be more  
6     merit to having a discussion about what is or is not  
7     viable or feasible for that particular property.

8           Q.     So your experience is that after the  
9     project is approved, you go sit down with the federal  
10    agency and you go jawbone with them to try and figure  
11    out what you can do on their property?

12          A.     Well, in this case it is not their  
13    property. They just have an easement right to cross  
14    the property.

15          Q.     What you could do with respect to the  
16    property on which they have easement rights?

17          A.     In some cases and for this particular  
18    project, I think that we have kind of attempted to,  
19    one, we have recommended a route that --

20          Q.     Well, wait a second. My question was just  
21    what you did in response to this particular letter.  
22    We will get to what you did ultimately.

1           A.     Right.  I think I commented that we didn't  
2     feel it was necessary to do anything.

3           Q.     Okay.  And then did you see that the STPL  
4     Cross Exhibit 9, which is the letter that was sent by  
5     certified mail, return receipt requested, to your  
6     counsel dated February 27, 2013, ended by the  
7     comment, "Should you have any questions regarding  
8     this matter, please contact Paula Hingson, Assistant  
9     State Conversationist for Easement Programs," and it  
10    gives her telephone number.  Do you see that?

11          A.     I do, yes.

12          Q.     And then are you aware that Ms. Hingson  
13    posted a public comment on the e-Docket website for  
14    the ICC that also advised you that there would be  
15    problems with trying to cross the property on which  
16    the easement, the federal flood plain easement, was  
17    located?

18          A.     My understanding is she reiterated some of  
19    the same comments that Mr. Hiatt had provided.

20          Q.     And if you look at the document that's  
21    marked as STPL Cross Exhibit 18, I can bring it over  
22    to you if that would be more convenient.

1           A.    Thank you.   Okay.

2           Q.    Is that a copy of the public comment that  
3 you recall Ms. Hingson posting?

4           A.    Yes.

5           Q.    In March?

6           A.    Yes.

7           Q.    Thank you.   Okay.   And I take it you did  
8 nothing after you saw Ms. Hingson's comment either,  
9 correct?

10          A.    No.    Again, still based on information that  
11 we had even at that time, we didn't feel that it was  
12 necessary to contact either Mr. Hiatt or Ms. Hingson.

13          Q.    Okay.   Now, at some point in time you  
14 developed a modified route or a modification to your  
15 primary route to possibly go around the flood plain  
16 easement in Clark County, correct?

17          A.    We identified alternative pole placements  
18 that would change the route to accommodate some of  
19 the problems for this particular property that had  
20 been raised during this proceeding.

21          Q.    Did you say alternative?   It is not a  
22 modified route, it is not a modification to the

1 route; it is just an alternative pole placement?

2 A. I think we characterized it in a data  
3 request response as not a modification but for all  
4 intents and purposes it was just alternative pole  
5 placements. And I say that because we would not be  
6 proposing to locate this route on property that  
7 wasn't otherwise affected by the route and the  
8 initial general alignment that we proposed.

9 Q. And was that -- how would you like to call  
10 it? A modification? Do you want to call it a  
11 modification or do you want to call it an alternative  
12 pole placement? Do you want to call it an  
13 alternative pole placement?

14 A. Yeah.

15 Q. Okay. We will call it an alternative pole  
16 placement. Who developed that alternative pole  
17 placement? Was that developed in a webinar that you  
18 had with Mr. Trelz and Mr. Murbarger and perhaps  
19 Mr. Hackman?

20 A. Yeah. That is -- Mr. Trelz testified to  
21 that as well. And we just generally discussed the  
22 area and to the extent that we need it because,

1 again, we hadn't been convinced that we need to have  
2 any alternative pole placement. But we just  
3 discussed, if we were to need some type of  
4 alternative pole placement, what could -- what could  
5 the alternate pole placement look like.

6 Q. And was that done the day that your  
7 response to the STPL data requests were due, that is  
8 around March 28 of 2013?

9 A. I believe that is correct. I know there  
10 was a response due at the end of March that was  
11 subsequently submitted into the record in April.

12 Q. Okay. While the four lawyers are trying to  
13 figure out how to get something up on the computer,  
14 4.5 -- it's STPL Exhibit 4.5. If you would look at  
15 STPL Cross Exhibit 5 and the map that's attached to  
16 that, the second page. Do you also have a hard copy  
17 of it? There you go. Thank you.

18 A. Thank you. Yes.

19 Q. Is that what you call the -- I have  
20 forgotten now -- the pole adjustment?

21 A. Yes, that is correct.

22 Q. And is that the proposal that you came up



1 with to go around the flood plain easement?

2 A. That is correct, yes.

3 Q. And is that the flood plain easement right  
4 there that's outlined there?

5 A. That is my understanding based on the map  
6 that Mr. Hiatt provided. Yes, that is correct.

7 Q. And your original route was planned to go  
8 straight across -- geesh, I am shaking like a leaf.  
9 Your original route was planned to go straight across  
10 that green line there?

11 A. That is correct, yes.

12 Q. And do you know the approximate distance  
13 from the one side of the easement to the other side  
14 of the easement?

15 A. I do not. But just looking at the scale of  
16 the map, I think we are generally talking about  
17 somewhere over 1,000 feet.

18 Q. Have you ever looked at the flood plain  
19 easement document itself?

20 A. I generally scanned through the document,  
21 but I can't say that I read it in any level of  
22 detail, no.

1           Q.    If you'd look at what we have marked as  
2   STPL Cross Exhibit 7?

3           A.    Okay.

4           Q.    Is that a copy of the federal flood plain  
5   easement at issue here that you are -- with your pole  
6   adjustment that you are going around?

7           A.    I believe so.  It is -- the front page of  
8   this easement document does reference Carolyn  
9   Robinson's property.

10          Q.    Okay.  And did that same pole adjustment  
11   drawing then get submitted as a proposed modification  
12   in your rebuttal testimony, Exhibit 13.10?

13          A.    That is true.

14          Q.    No change was made to that?

15          A.    No.

16          Q.    And Exhibit 13.10 is what we have marked as  
17   STPL Cross Exhibit 11, is that correct?

18          A.    Yes, that is correct.

19          JUDGE ALBERS:  If a document is already in the  
20   record, we don't need to have it marked as a cross  
21   exhibit again, generally speaking.

22          Q.    Would you look please at STPL Cross Exhibit

1 2?

2 A. Yes.

3 Q. The response -- that was ATXI's response to  
4 STPL Data Request 5.01, correct?

5 A. That is correct, yes.

6 Q. And the data request asks "Please identify  
7 every landowner who would be affected if the proposed  
8 ATXI 345 kV transmission line were constructed on the  
9 modified route described in ATXI's response to STPL  
10 Data Request 4.4 and ATXI's attachment to that  
11 response," and that's defined as the modified route.  
12 Do you see that?

13 A. I do, yes.

14 Q. And the answer -- did you prepare this  
15 answer?

16 A. I did, but I believe this response may have  
17 been supplemented.

18 Q. It was supplemented. This was your first  
19 response.

20 A. Okay.

21 Q. Your initial response said the minor  
22 modifications to the primary route along the flood

1 plain easement would not result in any new affected  
2 landowners, correct?

3 A. That is correct, yes.

4 Q. All right. And then you did a supplemental  
5 response and that's STPL Cross Exhibit 4, correct?

6 A. Bear with me. I have got them out of order  
7 now.

8 Q. I've got it right here.

9 A. I have got it, yes.

10 Q. Just wanted to make me get up.

11 A. I am sorry.

12 Q. Did you then supplement your response and  
13 identify the landowners who would be affected by the  
14 modified route?

15 A. That is correct, yes.

16 Q. And how did you go about doing that? If I  
17 showed you a map of property owners and the property  
18 in question, would you be able to identify what  
19 property was owned by what landowners? You want to  
20 try?

21 A. Sure.

22 Q. All right. Would you put up Exhibit 12

1 please on the screen? There is also a hard copy of  
2 this in front of you that's STPL Exhibit 12 that's in  
3 color.

4 A. Is it also marked Exhibit 8.3?

5 Q. STPL Exhibit 8.3 was attached to testimony  
6 that is the subject of a pending motion. That's why  
7 it has two numbers.

8 Was the original primary route  
9 designed to run on the green line across this map?

10 A. That is correct, yes.

11 Q. Okay. And I will represent we got a copy  
12 of this from -- it is an aerial view from the  
13 assessor's office. If you would, please, I am going  
14 to hand you a pink pen and if you would just draw  
15 where you think the alternative pole placement --  
16 what do I call it? Alternative pole placement route  
17 or just alternative pole placement design?

18 A. I don't know that I can because I am trying  
19 to compare the aerial ATXI Exhibit 13.10 which is  
20 also STPL Cross Exhibit 11 and STPL Cross Exhibit 12.  
21 And between the two, the dates of the imagery appear  
22 to be different. I would also add that the parcel

1 boundaries that you have identified in STPL Cross  
2 Exhibit 12 appear to be different from the parcel  
3 boundaries that are identified on STPL Cross Exhibit  
4 11.

5 Q. Okay. Well, let me ask this. Do you know  
6 -- do you know who owns that little parcel down there  
7 in the red? Is that the Hutchings parcel?

8 A. I wouldn't know that off the top of my  
9 head, no.

10 Q. What would you have to -- you have  
11 testified that it didn't impact any additional  
12 landowners, at least you gave us data request  
13 responses to that effect. What did you do to  
14 determine that?

15 A. That is correct. If I could refer you back  
16 to STPL Cross Exhibit 11, the parcels that are shaded  
17 in kind of a pinkish area in the legend count as  
18 parcels impacted by the ATXI route. We went to the  
19 county tax assessors' offices for all counties that  
20 were affected by ATXI's proposed routes and  
21 identified the last taxpayer of record for any parcel  
22 that occurred within 250 feet of the ATXI proposed

1 routes. And the landowners that we then carried  
2 forward in our notification list included that last  
3 taxpayer of record. And so because then when we  
4 looked at the alternative pole placement and the  
5 parcels that would be affected by this alternative  
6 pole placement as you see on STPL Cross Exhibit 11,  
7 it is my understanding that the last taxpayer of  
8 record for any of those parcels has not changed.

9 Q. Okay. Assume with me for -- you gave  
10 notice to a -- go back to your list. You gave notice  
11 to a Tom or Thomas Hutchings, correct?

12 A. That is my understanding, yes.

13 Q. And did the manner in which your easement  
14 would cross any of these properties change as you go  
15 from running along the top of the property line to  
16 bisecting any of the properties?

17 A. With the -- I am sorry, can you restate  
18 your question?

19 Q. Well, originally you were going to run  
20 across property section lines, correct?

21 A. That is correct, yes.

22 Q. And then with this alternative pole

1 placement you would angle your route so that you  
2 would bisect some of the properties, correct?

3 A. Potentially if we needed to. That is just  
4 one of two options that we identified as dealing with  
5 this potential issue. Actually only three because a  
6 couple parcels on the graph did not.

7 Q. The Hutchings parcel, are you aware that  
8 there are other individuals listed on the property  
9 tax records for the Hutchings parcel?

10 A. No, I personally would not be aware because  
11 what we identified was the last taxpayer of record as  
12 it is recorded by the Clark County assessor's office.

13 Q. When you say the last taxpayer of record,  
14 is that based on the property tax records that are  
15 maintained in that office?

16 A. That is correct.

17 Q. Would you look at STPL Cross Exhibit 19?

18 A. Yes.

19 Q. Have you ever seen that document prior to  
20 today? I will represent to you that it is the  
21 property tax card for the Hutchings property that was  
22 obtained from the assessor's office in Clark County.



1           A.    No, I have not seen this document.

2           Q.    You will notice that in addition to a  
3   Thomas Hutchings, there is also a Deborah L.  
4   Hutchings listed on that property tax card, correct?

5           A.    That is correct.

6           Q.    And there is also a couple of Latin phrases  
7   after that, et al.  Are you familiar with those?  Do  
8   you know what et al. means?

9           A.    I do.

10          Q.    What does that mean?

11          A.    And others.

12          Q.    Okay.  And so on the property tax record on  
13   the property should be -- - on the property tax card  
14   for that property it lists a person other than Thomas  
15   Hutchings, does it not?

16          MR. WHITT:  Your Honor, I am going to object to  
17   this being characterized as the tax record.  Counsel  
18   says that it is.  The witness has indicated she has  
19   never seen the document before.  There has been no  
20   foundation for her to answer any questions about it.

21          JUDGE ALBERS:  I don't have a copy of that in  
22   my stack so could I see a copy.  I want to look at

1 it.

2 MR. GOWER: Your Honor, I could -- I will solve  
3 this by filing a motion for judicial notice of a  
4 public record, supported by an affidavit. That's the  
5 property tax record from the property tax card from  
6 the assessor's office in Clark County.

7 JUDGE ALBERS: Okay. Sorry.

8 MR. GOWER: He has objected to my  
9 characterization. I will just ask a different  
10 question. I think we can just move on.

11 MR. WHITT: Well, I object to any questions  
12 based on what this document is when the witness has  
13 never seen it before. Representations are being made  
14 that the witness isn't in a position to agree or  
15 disagree with.

16 MR. GOWER: Judge, my next question is a  
17 hypothetical.

18 JUDGE ALBERS: Pertaining to this?

19 MR. GOWER: It does pertain to that, assuming  
20 that.

21 JUDGE ALBERS: All right. I will allow the  
22 question.

1 BY MR. GOWER:

2 Q. All right. Ms. Murphy, assuming that  
3 Deborah Hutchings and a reference to "and others" are  
4 listed on the property tax card maintained by the  
5 county assessor's office for the Hutchings' property  
6 and Ms. Hutchings was not given notice of this  
7 proceeding, was -- if you assume that, was your  
8 response to STPL Data Request 5.01 inaccurate when  
9 you said that all affected landowners had been given  
10 notice of this proceeding?

11 MR. WHITT: I will object because the  
12 question -- the hypothetical ignores the supplemental  
13 response that was given to this data request.

14 MR. GOWER: I asked about 5.01, not 5.01S.

15 MR. WHITT: That's the problem with it.

16 JUDGE ALBERS: I will sustain that.

17 BY MR. GOWER:

18 Q. Okay. Ms. Murphy, in 5.01S you indicated  
19 that all property owners had already been -- all  
20 affected property owners who were affected by the  
21 alternative pole placement had already received  
22 notice of this proceeding, correct?

1           A.     That is correct, yes.

2           Q.     And then in the response to 5.01S you  
3 identified the property owners to whom notice had  
4 been given, correct?

5           A.     That is correct, yes.

6           Q.     And if Deborah Hutchings is listed on the  
7 property tax records maintained at the assessor's  
8 office in Clark County and she did not receive notice  
9 of this proceeding, is your statement in 5.01  
10 inaccurate and your list of property owners in --  
11 response to 5.01S not complete?

12          MR. WHITT:  Objection, assumes facts that (a)  
13 this is in fact the tax assessor's record and we  
14 don't know that it is; and (b) that no notice was  
15 sent to Deborah Hutchings and that's not been  
16 established, either.

17          MR. GOWER:  That's a matter of record in this  
18 case, Your Honor.  I will represent to you that I  
19 checked Exhibit C which lists all of the Hutchings  
20 and that there are two Hutchings listed, one James  
21 and one Thomas and no Deborah.  It is a matter of  
22 record.

1 JUDGE ALBERS: All right. The record and who  
2 got served notices is what it is. We can check on  
3 that. I will allow the question and, of course,  
4 depending on what you submit in terms of your motion  
5 and your affidavit you alluded to a minute ago, we  
6 can revisit in terms of if it needs to be stricken at  
7 a later time. Does that make sense?

8 MR. GOWER: That's very fair, Your Honor.  
9 Thank you.

10 Q. You have probably forgotten the question by  
11 now?

12 A. If you can restate it.

13 Q. I am going to ask the court reporter to  
14 read it back.

15 (Whereupon the requested portion  
16 of the record was read back by  
17 the Reporter.)

18 A. Not necessarily. Just based strictly on  
19 this exhibit, Thomas A. and Deborah L. Hutchings are  
20 listed at the same address. I would also add that he  
21 and others -- I don't know the details of their  
22 affiliation with the property, whether they are

1 actually part owners or maybe they just have they are  
2 listed on the date of title, and I cannot say with  
3 any certainty who "and others" may or may not  
4 include, whether or not they are noticed and whether  
5 or not they are in fact taxpayers of record for this  
6 particular parcel.

7 Q. So is it your testimony that if somebody  
8 lives at the same address and is listed as a property  
9 owner in the tax records, ATXI had no obligation to  
10 provide notice to the second person listed?

11 A. I don't know how we would -- I don't know  
12 how we would identify addresses of parties that are  
13 not otherwise recorded at the county tax assessor's  
14 office.

15 Q. I didn't ask about the et al. I asked you  
16 about Deborah Hutchings. Deborah Hutchings is listed  
17 in the -- assuming that -- I will ask you to assume  
18 that Deborah Hutchings is listed on property tax  
19 records in the county -- in the Clark County  
20 assessor's office, as is Thomas Hutchings. My  
21 question was, is it your testimony that ATXI had no  
22 obligation to notify Deborah Hutchings, assuming

1     those facts, because she lived at the same address as  
2     Thomas Hutchings?

3             MR. WHITT:   I will object to the extent it  
4     calls for a legal conclusion.   And as the Bench has  
5     indicated, the record reflects who has received  
6     service.

7             MR. GOWER:   Your Honor, do you want me to  
8     respond?

9             JUDGE ALBERS:  I think I might have as well.  
10    It is as obligation as far as legally required, is  
11    how I would --

12            MR. GOWER:   You know, if she hadn't testified  
13    to what was her interpretation of what was required  
14    in her rebuttal testimony and the language that I  
15    quoted earlier, I would be more -- I would be more  
16    respectful of that consideration.   But they put her  
17    out as somebody who is their witness on compliance  
18    with the Commission's rules of service.

19            JUDGE ALBERS:  All right.   With the  
20    understanding she is not an attorney, I will allow  
21    the question.

22            A.    And again my comment would still be that

1 even if I look at this particular exhibit and make  
2 the assumption that Deborah L. is in fact a  
3 landowner, even based on this exhibit I can't tell  
4 you if she resides at a separate address.

5 Q. (Mr. Gower) If Deborah Hutchings is listed  
6 in the Clark County supervisor of assessments  
7 property tax records as an owner of property that  
8 would be crossed by the primary route, under your  
9 understanding of the Commission's rules of service  
10 should ATXI have given notice to Deborah Hutchings?

11 A. Is your question specific to this  
12 particular exhibit or a general question?

13 Q. Turn that exhibit over. Just turn it over.  
14 You have looked at the property tax records at Clark  
15 County and you see listed for a parcel that is going  
16 to be affected by the primary route in the supervisor  
17 of assessment's office a property tax card that lists  
18 Deborah -- lists Thomas and Deborah Hutchings. In  
19 your understanding should ATXI have given notice of  
20 this proceeding to Deborah Hutchings?

21 A. Based on the scenario that you just  
22 described as a property being owned by Thomas and



1 Deborah, both would have received notice or should  
2 have received notice, yes.

3 Q. Okay, thank you. There also was -- you  
4 noted an et al. reference on exhibit STPL Cross  
5 Exhibit 19, correct?

6 A. Yes.

7 Q. Would the people who were doing the  
8 property tax record searches for you, if they had  
9 reported to you that a property tax record contained  
10 the reference et al., would you tell them to find out  
11 who et al. was?

12 A. Not necessarily, because again we try to  
13 identify either the single or the primary taxpayer of  
14 record. To get into the details of every single  
15 parcel as to who else may have some legal right  
16 and/or association with that property, I think would  
17 extend beyond what's required for notification  
18 purposes.

19 Q. Just so we're clear, tell me what you think  
20 is required for notification purposes for this  
21 proceeding.

22 A. Okay. If I could point you back to my

1 surrebuttal testimony, I think that's the exhibit  
2 where I characterize what the requirements are which  
3 includes identifying landowners, a landowner in the  
4 general sense of being the last taxpayer of record  
5 relative to any property.

6 Q. And if the -- if the taxpayer of record  
7 includes a reference to et al., you have no  
8 obligation to track that down in your understanding,  
9 correct?

10 A. I think it is fair to say that et al. could  
11 mean different things. So if it were to mean only  
12 that those were additional owners, taxpayers of  
13 record for that particular parcel, then they should  
14 have been noticed. But I can't tell you looking at  
15 this exhibit that et al. reflects that.

16 Q. If you'd look at Exhibit 8.5.

17 JUDGE ALBERS: STPL Cross Exhibit 16?

18 Q. I am sorry, 13. I am sorry. Have you got  
19 it?

20 A. Yeah, sorry you had to get up again.

21 JUDGE ALBERS: Which cross exhibit are you  
22 looking at?

1 MR. GOWER: 13.

2 JUDGE ALBERS: Thank you.

3 BY MR. GOWER:

4 Q. I have just shown you what's been marked as  
5 STPL Cross Exhibit 13 which appears to be a warranty  
6 deed pertaining to the Hutchings' property, correct?

7 A. That is correct, yes.

8 Q. Have you ever seen that document prior to  
9 today?

10 A. No, I haven't.

11 Q. I have no further questions with respect to  
12 that document.

13 JUDGE ALBERS: Off the record.

14 (Whereupon there was then had an  
15 off-the-record discussion.)

16 BY MR. GOWER:

17 Q. All right. At page 66 of your revised  
18 testimony, I hope it is also your second revised, I  
19 will just read it to you. I don't think you need to  
20 be there with it. It refers to two adjustments to  
21 the primary route that will minimize impacts on the  
22 referenced conservation interests. These adjustments

1 are explained in the testimony of Mr. Hackman. One  
2 adjustment would slightly modify the primary route to  
3 avoid the EWPP flood plain easement as shown in ATXI  
4 Exhibit 13.10. This modification would not impact  
5 any new or additional landowners. The seconds  
6 adjustment as discussed by Mr. Hackman would  
7 construct taller structures on either side of the  
8 easement area so that only wires overhang the  
9 easement area. No access is anticipated in the  
10 easement area for construction maintenance. Is  
11 Mr. Hackman the proper person to question concerning  
12 the proposal to string wires across and putting those  
13 structures in the flood plain area?

14 A. Yes, he is.

15 Q. Have you personally visited the flood plain  
16 easement area?

17 A. No, I have not. This construction easement  
18 is located on private property.

19 Q. Have you -- Livingston Road runs along the  
20 side of -- the south side of the easement, flood  
21 plain easement area, correct?

22 A. I am not sure. Again, I still have not

1     been directly on this particular property.

2           Q.     Have you ever previously been involved in  
3     an infrastructure project that involved use of a  
4     federal flood plain easement owned by the Natural  
5     Resources Conservation Service?

6           A.     No.   I have been involved in infrastructure  
7     projects that involve various types of state and  
8     federal conservation and environmental groups.

9           Q.     And have you ever been involved in projects  
10    that required an environmental evaluation under the  
11    National Environmental Policy Act?

12          A.     Yes, I have.

13          Q.     When you have been involved in projects  
14    involving other types of federal interests, have you  
15    generally tried to obtain information as to what the  
16    government agency's policies and practices are?

17          A.     If I can ask you to restate that question,  
18    it would help me understand.

19          Q.     When you have been involved in projects  
20    involving some federal interest where you are going  
21    to have to -- you thought you would have to get  
22    permits from the federal government or you would have

1 to sit down with the federal government after the  
2 project was approved, did you generally try and  
3 familiarize yourself with the government agencies'  
4 policies and practices with respect to that  
5 particular type of property?

6 A. I think it depends on the nature of the  
7 permit that may be required for a particular project.

8 JUDGE ALBERS: Could we just go off the record?  
9 Take about a five-minute break.

10 (Whereupon the hearing was in a  
11 short recess.)

12 BY MR. GOWER:

13 Q. Ms. Murphy, would you please turn to STPL  
14 Cross Exhibit 21?

15 JUDGE ALBERS: All right. Thank you for your  
16 patience. First question?

17 A. Yes.

18 Q. Do you have that in front of you?

19 A. I do.

20 Q. Have you ever seen that document prior to  
21 today? It is entitled NRCS Conservation Programs  
22 Manual, Circular Number 7, Part 514, Infrastructure

1 Policy on Easements. Have you ever seen that  
2 document prior to today?

3 A. Yes, I have.

4 Q. And are you aware that -- under what  
5 circumstances did you see that document?

6 A. Just I think just in the general awareness  
7 of NRCS conservation programs.

8 Q. And are you aware that as a matter of  
9 policy the NRCS takes the position that its property  
10 is not subject to condemnation? Its property  
11 interests are not subject to condemnation?

12 A. I am not aware of that, if that is  
13 specifically identified in this document or not.

14 Q. Are you aware that when a party approaches  
15 NRCS seeking to utilize flood plain easement  
16 property, that the NRCS requires the party  
17 approaching them about an infrastructure project to  
18 prove first to NRCS that the easement lands cannot be  
19 avoided?

20 A. Based on general information provided in  
21 this document and also the information that Mr. Hiatt  
22 identified, I think just generally speaking that is

1 my understanding.

2 Q. Okay. And there is another viable route,  
3 another viable route in this proceeding, between the  
4 Kansas substation and the Indiana state line,  
5 correct?

6 A. That is correct. In fact, I would look at  
7 the alternate route for this portion of the project.

8 Q. Now, are you also aware that if a party  
9 approaches NRCS to utilize its flood plain easement  
10 property, that as a matter of policy the NRCS  
11 requires that an environmental evaluation be done  
12 under the National Environmental Policy Act?

13 A. It is my understanding that it would depend  
14 on the nature of the proposal that is being presented  
15 to the NRCS. And if -- and what their -- the  
16 threshold that they are reviewing as it relates to  
17 that particular proposal.

18 Q. Well, you have different -- I agree you  
19 have different levels of environmental analysis,  
20 correct?

21 A. That is correct, yes.

22 Q. And at inception, though, you have to do an



1 environmental assessment to determine whether or not  
2 there is any impact to the property, correct? Any  
3 significant impact, potentially significant impact,  
4 upon the environment in development of the project?

5 A. Not necessarily. And maybe you can provide  
6 me a specific example that you are referring to.

7 Q. Well, I will direct you to the second page  
8 of this policy and the second full paragraph down  
9 where it says if any easement properties are affected  
10 by a proposed infrastructure project, NRCS will  
11 initiate National Environmental Policy Act  
12 responsibilities by conducting an environmental  
13 evaluation?

14 A. I agree that it states that, but I think it  
15 depends on what "affected" means.

16 Q. Okay. Were you aware prior to today that  
17 if the policy of the NRCS was that if an  
18 infrastructure project affected a federal flood plain  
19 easement owned by NRCS, that NRCS would require that  
20 an environmental evaluation be done underneath NEPA,  
21 stands for National Environmental Policy Act?

22 A. Based on the document that you presented as

1 STPL cross Exhibit 21, it does identify that  
2 construction projects would require that the NRCS  
3 initiate a review in accordance with the NEPA. But I  
4 guess based on some of the other exhibits that you  
5 provided, namely including the easement document that  
6 the NRCS presented, that there may be other means for  
7 the NRCS to address some proposal as it relates to  
8 the flood plain easements.

9 Q. Have you had any conversations with the  
10 NRCS about use of their flood plain, use of their  
11 property?

12 A. No, we have not.

13 Q. And have you made -- to your knowledge has  
14 ATXI made any specific proposals to the federal  
15 government concerning possible use of its federal  
16 flood plain easement area?

17 A. No, we have not.

18 Q. So when you talked about the fact that  
19 there might be possible proposals that might be  
20 acceptable to the NRCS, you are just speculating,  
21 aren't you?

22 MR. WHITT: Your Honor, I am going to object.

1 It is a grossly unfair question in light of the  
2 witness' testimony that the Company's recommended  
3 route doesn't go near this area. There would be no  
4 reason to make these inquiries or pursue this further  
5 with the federal government.

6 MR. GOWER: Your Honor, that's very nice  
7 testimony, but it is not an objection. Furthermore,  
8 the only reason I am doing this is because there is  
9 testimony in the record right now that the primary  
10 route where my clients have businesses and homes and  
11 farms and radio station as a viable route, and in  
12 light of the federal -- in light of the restrictions  
13 on the use of federal flood plain easement property  
14 we don't think it is a viable route. That's the only  
15 reason we are going through this.

16 JUDGE ALBERS: Objection is overruled.

17 Q. I don't remember the question. Do you?

18 A. I don't remember.

19 Q. Madam court reporter, I hate to do this to  
20 you but could you read back the question?

21 (Pause.)

22 That's all right. I remember it. I asked

1     you, given the fact that you hadn't talked to the  
2     NRCS or made any proposals to the NRCS, when you said  
3     there might be proposals that were acceptable to the  
4     NRCS, you don't have any basis for knowing that one  
5     way or the other, correct?

6             A.     I think that's true, yes.

7             MR. GOWER:   I have no further questions.

8             JUDGE ALBERS:   Okay.   I have just a couple of  
9     clarifying questions.   Oh, actually, before we turn  
10    to that, with some trepidation with regard to your  
11    cross exhibits, the ones I think have been identified  
12    or at least referenced in cross were Cross Exhibits  
13    8, 9, 18, 5, 2, 4, 12, 19, 13 and 21.   Were there any  
14    that I missed that you referenced in your cross exam?

15            MR. GOWER:   No, I don't believe so.

16            JUDGE ALBERS:   Of those, do you wish to have  
17    any of those admitted into the record?

18            MR. GOWER:   I move to admit them all, but I  
19    will agree that with respect to those documents which  
20    appear to be public records which the witness was not  
21    familiar with, that we will ask you to defer ruling  
22    on those until we submit a motion for judicial

1 notice.

2 JUDGE ALBERS: All right. Well, let me just  
3 look at them one by one here to make sure we are  
4 thinking the same thing. Any objection then to Cross  
5 Exhibit 8?

6 MR. WHITT: Yeah, our objection to Number 8,  
7 Your Honor, is that it is hearsay.

8 MR. GOWER: Your Honor, it is a notice from a  
9 federal official concerning an infrastructure project  
10 that was sent to the official spokesperson for the  
11 proponent and that proponent, according to the data  
12 request responses -- actually, I don't know that it  
13 showed that, but the witness has testified that that  
14 e-mailed then was referred to her for action and she  
15 took action on it. It's the kind of -- it's the kind  
16 of reliable evidence as to concerns expressed by the  
17 federal government that any proponent, anybody in the  
18 room, would accept as a statement from the  
19 government, something they need to respond to. I  
20 think it has all the reliability elements that  
21 satisfy the Commission rules of evidence.

22 JUDGE ALBERS: All right. I am going to

1     overrule the objection.   STPL Cross Exhibit 8 is  
2     admitted.

3                                 (Whereupon STPL Cross Exhibit 8  
4                                 was admitted into evidence.)

5                 Cross Exhibit 9, any objection?   That is a  
6     letter from Mr. Dozier dated February 27.

7                 MR. GOWER:   That's a certified letter with  
8     return receipt requested.

9                 MR. WHITT:   I will object to that exhibit as  
10    well, Your Honor, and again illustrating the hearsay  
11    problem.   We are first told that Mr. Hiatt is the  
12    point person who says you can't build or make  
13    representations, and then we have a different letter  
14    from a different official.   None of these folks are  
15    here to be questioned or cross-examined.   By  
16    counsel's admission these are being offered for the  
17    express purpose of attempting to prove the matters  
18    included in those documents.

19                MR. GOWER:   It goes to the question of notice  
20    and whether the Company was on notice of what the  
21    federal government's position was.

22                JUDGE ALBERS:  All right.   And I'll overrule

1 the objection and STPL Cross Exhibit 9 is admitted.

2 (Whereupon STPL Cross Exhibit 9  
3 was admitted into evidence.)

4 Number 18. That was taken from the public  
5 comment page on e-Docket.

6 MR. WHITT: A hearsay objection as well, Your  
7 Honor.

8 MR. GOWER: From the record, on the record,  
9 notice again to the proponent.

10 JUDGE ALBERS: Objection is overruled. STPL  
11 Cross Exhibit 18 is admitted.

12 (Whereupon STPL Cross Exhibit 18  
13 was admitted into evidence.)

14 Number 5. It looks like the DR STPL 4.04  
15 and their response.

16 MR. WHITT: No objection.

17 JUDGE ALBERS: Cross Exhibit 5 is admitted.

18 (Whereupon STPL Cross Exhibit 5  
19 was admitted into evidence.)

20 Number 2, STPL 5.01, DR response.

21 MR. WHITT: Oh, no objection.

22 JUDGE ALBERS: And Number 4.

1 MR. WHITT: Is that the supplemental response?

2 JUDGE ALBERS: Yes, it is.

3 MR. WHITT: No objection.

4 JUDGE ALBERS: Okay. Number 2 and Number 4  
5 have been admitted.

6 (Whereupon STPL Cross Exhibits 2  
7 and 4 were admitted into  
8 evidence.)

9 JUDGE ALBERS: Number 13? I am sorry, STPL  
10 Cross Exhibit 12 is next on my list.

11 MR. WHITT: Yes, Your Honor, there is a  
12 foundation problem with this exhibit insofar as the  
13 witness wasn't able to identify any of the features  
14 on the map.

15 MR. GOWER: Your Honor, this exhibit will be  
16 the subject of a motion and I would ask you simply to  
17 withhold ruling pending the motion.

18 JUDGE ALBERS: A forthcoming motion?

19 MR. GOWER: I won't file it today; I will file  
20 it tomorrow.

21 MR. WHITT: A motion for what?

22 MR. GOWER: A motion to take judicial notice of



1 a public record. This came out of the assessor's  
2 office.

3 MR. WHITT: Well, Your Honor, I would  
4 respectfully submit it is a little late at the  
5 hearing to start doing things necessary to lay a  
6 foundation. That's done at hearing, not afterwards.

7 MR. GOWER: Judicial notice of a public record  
8 can be taken at any time, Judge.

9 JUDGE ALBERS: Yeah, I think given the  
10 circumstances here I am inclined to agree with  
11 Mr. Gower so we will hold off on ruling on Cross  
12 Exhibit 12. And I assume the same for Exhibit 19?  
13 Isn't that the card from the --

14 MR. GOWER: Yes.

15 JUDGE ALBERS: Same?

16 MR. WHITT: Same objection.

17 JUDGE ALBERS: Okay. We will see the motion  
18 then and you can -- all right, so 12 and 19 we are  
19 going to hold off on.

20 MR. WHITT: 13 the witness has indicated she  
21 has never seen so there is no foundation.

22 JUDGE ALBERS: Mr. Gower?

1 MR. GOWER: I have to find -- what is 13?

2 JUDGE ALBERS: That's the warranty deed.

3 MR. GOWER: It will be subject to the same  
4 motion.

5 JUDGE ALBERS: Okay. Hold off on that, too.  
6 And last 21, the NRCS consultation program.

7 MR. GOWER: We can put that in the motion if  
8 you would like, Judge. She had seen it before, so.

9 JUDGE ALBERS: See if they object to it first.

10 MR. WHITT: Yeah, there is -- yeah, there is a  
11 hearsay problem with this as well and I indicate that  
12 it is dated September 6, 2007. There has been no  
13 testimony whether this is current NRCS policy. So  
14 it's not been shown to be reliable.

15 MR. GOWER: We will address it in the motion,  
16 Judge.

17 JUDGE ALBERS: All right. So holding off on  
18 12, 19, 13, 21.

19 MR. GOWER: And I believe you said 11 was  
20 already in the record so there is no reason to ask  
21 for permission to -- that would be ATXI 13.10 to  
22 Ms. Murphy's testimony.

1 JUDGE ALBERS: Right.

2 EXAMINATION

3 BY JUDGE ALBERS:

4 Q. All right, Ms. Murphy, I have got to ask,  
5 in regard to STPL Cross Exhibit 5, if you just look  
6 at the map on the back of that, that's the deviation  
7 around the flood plain area?

8 A. Yes.

9 Q. I am not even sure you need to look at it,  
10 but I will let you take another look.

11 A. All right.

12 Q. You have it?

13 A. Yes, it is.

14 Q. Just sitting here listening, you referred  
15 to that as a pole placement modification or something  
16 along those lines?

17 A. That is correct, yes.

18 Q. As I look at the scale on the map, that  
19 looks like about a 1600-foot difference from the  
20 green line to the lowest point in the modified route.  
21 How big does a change have to be to be no longer a  
22 pole placement issue?

1           A.    I don't know that I could necessarily  
2   address that, other than to say that we simply were  
3   looking at a means of, if we weren't able to cross  
4   with an overhead easement, could we still locate  
5   poles on properties that we believe had been  
6   previously noticed in this proceeding such that we  
7   are not bringing in any newly affected property  
8   owners.  So, again, irrespective of the distance, it  
9   was trying not to place poles on the newly affected  
10  properties.

11           Q.    I guess what struck me is I guess a pole  
12  placement -- and this is just my own -- what I think  
13  when I hear those terms is you can move the pole, you  
14  know, a few feet here or there to accommodate some  
15  feature in the path, because I believe I heard  
16  earlier in the week testimony from Ameren witnesses  
17  indicating that when it comes time to actually put  
18  the poles in the ground and run the wire that, you  
19  know, they would talk to landowners and try to  
20  accommodate, to the extent they could, pole  
21  placement.  And that looks like at least a quarter  
22  mile difference, so.  If you are calling that a pole

1 placement issue,I --

2 A. I would generally agree with you. But,  
3 again, looking at the size of these particular  
4 parcels, it was really just an intent to identify how  
5 we could potentially work around it on these same  
6 parcels that were otherwise affected by what we  
7 proposed.

8 Q. So as far as you know Ameren is not, when  
9 it comes time to actually putting a line wherever it  
10 ends up being, a quarter mile isn't going to be  
11 within the realm of revision or adjustments when it  
12 comes time to actually putting a line on somebody's  
13 property?

14 A. As a general rule, no. But if there is a  
15 situation where it was a large parcel and the  
16 landowner did prefer that you move to the far end of  
17 a parcel rather than what we proposed, I believe that  
18 there would be the opportunity to relocate the poles  
19 a distance away.

20 Q. Okay. I have got you. All right then, the  
21 other questions I planned then, I think you were  
22 probably alerted to my inquiry regarding the portion

1 of the route that runs parallel to existing  
2 rights-of-way. With regard to the Rebuttal  
3 Recommended Route, can you tell me roughly like what  
4 portion of that proposed route is adjacent to  
5 existing rights-of-way where there is other utility  
6 lines?

7 A. It is roughly 19 percent of the total route  
8 end to end by the Mississippi River to the Indiana  
9 state line that parallels existing transmission  
10 lines.

11 Q. And that is the Recommended Rebuttal Route?

12 A. That is the rebuttal route, that is  
13 correct.

14 Q. And then lastly, on page 6 of your  
15 rebuttal, do you have that handy?

16 A. Yes, I do.

17 Q. At lines 112 to 122 on my copy there is  
18 discussion of Staff's concerns regarding integration  
19 corridors for additional 38 lines, is that what I  
20 recall? Page 118 -- I am sorry, line 118, you stated  
21 that, as you identified in your direct testimony,  
22 ATXI responded to questions asked by property owners

1 during public meetings. Were those questions  
2 specifically with regard to the integration corridors  
3 or just questions generally from landowners?

4 A. Those -- well, because the potential  
5 integration corridors were not identified at the time  
6 that we went into that particular public meeting, the  
7 questions were based more on substation size and just  
8 what may be required to integrate the proposed  
9 substation sites with the existing station.

10 JUDGE ALBERS: Okay, thank you. I think that's  
11 all I had. I imagine we have some redirect.

12 MR. WHITT: I do, Your Honor, and it is not  
13 going to be very lengthy. My preference would be  
14 just to get it done, so we can --

15 JUDGE ALBERS: Go ahead.

16 MR. WHITT: Thank you.

17 REDIRECT EXAMINATION

18 BY MR. WHITT:

19 Q. Ms. Murphy, Mr. Kalb had asked you some  
20 questions about the siting study and whether you  
21 consider landowners to be stakeholders. And I  
22 believe your testimony was that there was -- that you

1 made some distinction between landowners and  
2 stakeholders. Do you recall that line of inquiry?

3 A. Yes, only for the purpose of letting  
4 everyone know.

5 Q. Okay. Did you to intend to suggest that by  
6 use of your definition of the term "stakeholder" that  
7 ATXI somehow intended to exclude landowners from the  
8 public process?

9 A. Absolutely not. And to the contrary ATXI  
10 made every effort to encourage landowners to attend  
11 some of the second and third round of public meetings  
12 by sending thousands of invitations.

13 Q. You were also asked -- I think several  
14 attorneys had asked questions about whether certain  
15 routes were or were not viable. Do you generally  
16 recall being asked those questions and getting  
17 answers to those questions?

18 A. Yes, I do.

19 Q. Now, when you say that -- well, when you  
20 expressed an opinion that a route is not viable, were  
21 you intending to suggest that the route could not be  
22 constructed?



1           A.    No, not at all.  I tried to capture that  
2   the term "viable" as it is found in my rebuttal  
3   testimony was intended strictly to characterize other  
4   proposals in comparison to ATXI routes and whether or  
5   not they provided any net direction impacts relative  
6   to ATXI routes.

7           Q.    Could you turn with me please to page 56 of  
8   your rebuttal?  And at line 1211 the question was,  
9   "Based on the testimony submitted, what are your  
10  conclusions with respect to the Mt. Zion, Kansas,  
11  portion of the project," and counsel for Piatt,  
12  Douglas and Moultrie Counties asked you to read  
13  beginning at line 1214 testimony saying that ATXI is  
14  confident of its assessment of this route.  Do you  
15  see that?

16          A.    I do, yes.

17          Q.    And could you read the sentence preceding  
18  the sentence I just read?

19          A.    "The Rebuttal Recommended Route is the best  
20  viable option for this portion of the project because  
21  it was one of two routes derived from ATXI's route  
22  siting analysis:

1           Q.    Okay.  And again just to make sure we are  
2   abundantly clear here, when you say "the best viable  
3   option," you are not saying it is the only way to  
4   build the line, correct?

5           A.    That is correct, yes.

6           Q.    You were also asked some questions about  
7   the expedited process under Section 406.1 of the  
8   Public Utilities Act.  Do you recall generally those  
9   questions?

10          A.    I do, yes.

11          Q.    Whose -- was it your decision or ATXI's  
12   decision about what statute the Company should file  
13   under?

14          A.    ATXI's decision.

15          Q.    And, Ms. Murphy, have you -- for all the  
16   work that you have done in this case, have you seen  
17   any route proposed by anyone in this proceeding that  
18   does not impact farms, residences or wooded areas?

19          A.    No, I have not.

20          Q.    Throughout the past several hours,  
21   Ms. Murphy, you have been asked questions about your  
22   work and your routes and what you did, and I want to

1 make sure the Commission understands who ultimately  
2 is making decisions about what routes should be  
3 recommended and what it is the Company is going to  
4 do. Whose decision is that?

5 A. It is ATXI's decision.

6 Q. And what was your role in the  
7 decision-making process?

8 A. My role is strictly to look at the  
9 different route options and, backing up from that, to  
10 look at the route setting analysis and offer  
11 suggestions or resolutions to ATXI based strictly on  
12 routing or environmental considerations.

13 Q. And when you were retained for this case  
14 back in February of 2012, were you instructed to  
15 identify any certain routes or is that something you  
16 helped the Company develop?

17 A. That is something I helped the Company  
18 develop.

19 Q. At any of the public meetings you attended  
20 did members of the public suggest that anyone who  
21 already had transmission lines on their property  
22 should be thrown under the bus and that's where all

1 the lines should be built? Was that sentiment ever  
2 expressed?

3 A. I think we had -- my recollection is that  
4 we had landowners that felt that they were impacted  
5 by existing transmission facility or some other  
6 existing right-of-way; therefore, did not want  
7 another one whether it was an additional line or not.  
8 We also had landowners that were unaffected by any  
9 existing utility rights-of-way who certainly did not  
10 want it on their property either.

11 MR. WHITT: I have no further questions.

12 JUDGE ALBERS: Thank you. Any recross?

13 MR. McNAMARA: There is an outstanding issue.  
14 Do you recall Mr. Kalb talked about compensation and  
15 we were going to go off the record and do some sort  
16 of --

17 MR. WHITT: Yeah, I will represent that he told  
18 me he wasn't going to pursue that line of questions.  
19 He decided over lunch not to do so. I can make that  
20 representation, but I don't want to speak for him in  
21 his absence.

22 MR. McNAMARA: Well, I was going to ask the

1 question if he didn't. So I thought we were going to  
2 get it in the record. I just didn't want to pursue  
3 it, burden the record. Is there an easy way to get  
4 that in the record?

5 JUDGE ALBERS: Well, my question is, what is  
6 confidential about an hourly rate?

7 MR. FITZHENRY: My understanding is it is a  
8 proprietary rate. The Company competitively bids out  
9 its services and made an offer and the company  
10 accepted as her hourly rate as a time and materials  
11 job. As far as I am concerned, it is proprietary  
12 information.

13 MR. WHITT: I think to her firm and to ours.  
14 If we were in a rate case situation, obviously there  
15 is some different considerations, but.

16 JUDGE ALBERS: Yeah, I am really generally not  
17 favorable to the proprietary treatment of many  
18 things. I am not -- give me a little more to go on  
19 here if you want me to -- I mean, you and another  
20 party negotiated a rate to something. Why should  
21 that --

22 MR. FITZHENRY: Well, the hypothetical would be

1 at the Company's next transmission rate if we were to  
2 issue an RFP for ERN like services and her hourly  
3 rate becomes known, that becomes the floor.

4 JUDGE ALBERS: I understand.

5 MR. FITZHENRY: And that's the Company's  
6 concern, that it tries to get the best value for the  
7 services that it is obtaining. And whether that's  
8 going to happen, I can't tell you that's going to  
9 happen. But that's what I -- that's been our  
10 practice.

11 My understanding is there are other  
12 competitors here in the room and, again, that's the  
13 kind of information that in this industry is known as  
14 proprietary information. Again, I understand your  
15 queasiness, and generally as a company Ameren's  
16 subsidiaries are not inclined to ask for confidential  
17 proprietary treatment. But this is proprietary  
18 information in its truest sense.

19 JUDGE ALBERS: Well, at least for now then we  
20 can clear the room and if somebody wants to -- if I  
21 decide I want more, I will send out a ruling.  
22 Otherwise, if someone wants to ask for it to be

1 non-proprietary, it can be taken out. For now we  
2 will clear the room and ask the question. So if you  
3 haven't signed Form 1, I will need you to leave.  
4 Thank you. We will ask you to leave. I don't know  
5 if there is anyone still in Chicago to -- is there  
6 anyone still in Chicago?

7 MR. HARVEY: Yes, indeed, Your Honor, Matt  
8 Harvey for Staff so I am bound by Section 5.108 and  
9 not subject to any --

10 JUDGE ALBERS: Right. Is there anyone else in  
11 there with you?

12 MR. HARVEY: Not a living soul, Your Honor.

13 JUDGE ALBERS: I am going to flip the switch to  
14 turn off the internet access so we are not  
15 broadcasting to the world.

16 MR. ROBERTSON: Your Honor, what if the Company  
17 would put that information on a confidential exhibit,  
18 a one-sheet piece of paper, identify it as a  
19 confidential exhibit and file it as proprietary so we  
20 do not have to go through the confidential hearing.  
21 Mr. McNamara can get his information and we save a  
22 little time.

1 MR. FITZHENRY: That's perfectly fine.

2 JUDGE ALBERS: Okay. That's fine. Come back.

3 MR. FITZHENRY: I will get them.

4 JUDGE ALBERS: Well, let's just identify that  
5 exhibit so it's got some identification when it comes  
6 in then. Do you want to have it like a cross exhibit  
7 then?

8 MR. McNAMARA: It would be a cross exhibit, I  
9 guess it is my Cross Exhibit 3, I guess. I am up to  
10 three?

11 JUDGE ALBERS: I think you are, yes. So it  
12 would MFFCLPG Cross Exhibit 3. Okay?

13 MR. McNAMARA: And they are going to write it  
14 out and I am going to hand it to them, is that  
15 correct? Is that the way we are going to do it?

16 MR. STURTEVANT: Why don't you read the  
17 question into the record and then we will provide a  
18 written response?

19 JUDGE ALBERS: That's fine.

20 CROSS EXAMINATION

21 BY MR. McNAMARA:

22 Q. Ms. Murphy, will you tell me the rate of



1 your compensation in this case?

2 JUDGE ALBERS: All right. That question will  
3 be --

4 MR. WHITT: I am sorry if I am not  
5 understanding the process. I am not sure what the  
6 witness does. Is he just asking the question? Okay.

7 JUDGE ALBERS: It's like an on-the-record data  
8 request, I suppose.

9 MR. WHITT: So we don't need to say anything?

10 JUDGE ALBERS: No, I don't think so.

11 JUDGE ALBERS: Mr. Moran, you want to say  
12 something there?

13 MR. MORAN: I had one follow-up question to a  
14 question that you asked, actually. Is that  
15 appropriate?

16 JUDGE ALBERS: Generally no, but what's your  
17 question? Don't answer it until we see if there is  
18 any objection.

19 RECROSS EXAMINATION

20 BY MR. MORAN:

21 Q. It's about the 19 percent for the rebuttal  
22 route and I wanted to know what the primary route

1 percentage was before that for parallel lines?

2 JUDGE ALBERS: Okay. All right. If you know,  
3 Ms. Murphy. Do you understand the question?

4 A. Yes, I do understand the question. I have  
5 to recollect what the percentage was. And I believe  
6 that, whether it is ATXI primary or ATXI alternate or  
7 the Rebuttal Recommended, that all three would  
8 parallel less than 20 percent of existing  
9 transmission line from end to end.

10 Q. But you remember specifically 19 percent  
11 for the Rebuttal Recommended Route?

12 A. That is correct, yes.

13 Q. And all three more than 15 percent, between  
14 15 and 20?

15 A. No, I don't believe so. I think one of  
16 them is less than 15 percent and I just can't  
17 remember if it is the primary or the alternate. So I  
18 am not sure. All three are less than 20 percent.

19 MR. MORAN: Okay. That answers the question.

20 JUDGE ALBERS: Okay. Very good. Thank you.

21 Then last but not least for Ms. Murphy, is there any  
22 objection then to ATXI Exhibit 4, 4.1, 4.2, 4.3, both

1 the public and confidential version, 4.4 through  
2 4.10, 13.0 Second Revised, 13.1 Revised, 13.2 through  
3 13.4, 13.5 Revised, 13.6 Revised, 13.7 through 13.10?

4 (No response.)

5 Hearing no objection, they are all  
6 admitted.

7 (Whereupon ATXI Exhibits 4, 4.1,  
8 4.2, 4.3 Public and  
9 Confidential, 4.4 through 4.10,  
10 13.0 Second Revised, 13.1  
11 Revised, 13.2 through 13.4, 13.5  
12 Revised, 13.6 Revised, 13.7  
13 through 13.10 were admitted into  
14 evidence.)

15 JUDGE ALBERS: Okay. The only other matter  
16 that I wanted to make sure I address today, over  
17 lunch Judge Yoder and I conferred and we are in  
18 agreement that with regard to the Stop the Power  
19 Lines Coalition for leave to file supplemental direct  
20 testimony instanter, we are in agreement to deny that  
21 motion.

22 So is there anything further

1     for today?

2                                     (No response.)

3                                     Hearing none, then we will  
4     resume at nine o'clock tomorrow morning. Thank you.

5                                     (Whereupon the hearing in this  
6                                     matter was continued until May  
7                                     17, 2013, at 9:00 a.m. in  
8                                     Springfield, Illinois.)

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